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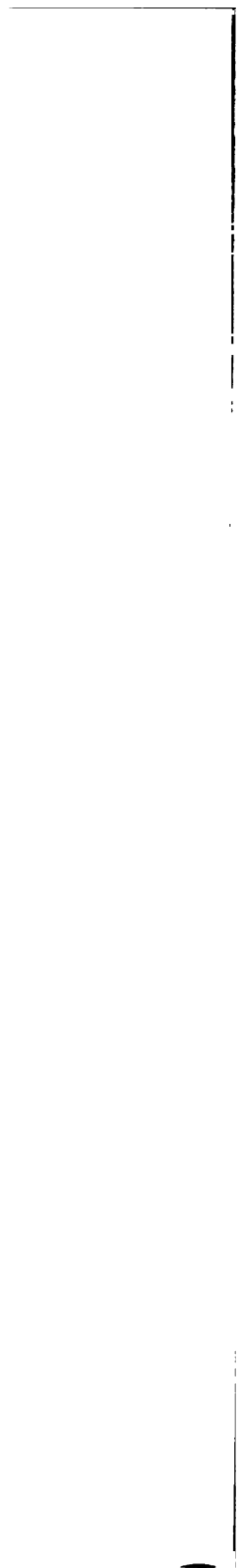
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THE STATE OF OHIO.

GENERAL AND LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTY-SECOND GENERAL ASSEMBLY,

AT ITS REGULAR SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1896.

VOLUME XCII.

COLUMBUS, OHIO:
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1906.

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GENERAL LAWS.

[House Bill No. 21.]

AN ACT

To make sundry appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), for salaries and mileage of members, per diem of clerks, sergeants-at-arms, and other officers and employes of the general assembly, one thousand dollars (\$1,000) for contingent expenses of the house and five hundred dollars (\$500) for contingent expenses of the senate, five hundred dollars (\$500) expense legislative committees, two hundred dollars (\$200) contingent expense for auditor of state.

Appropriation
for general as-
sembly and aud-
itor of state.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed January 8, 1896.

1G

[Senate Bill No. 3.]

AN ACT

For the relief of Hon. T. K. Dissette.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue a duplicate warrant in favor of Hon. T. K. Dissette, one of the judges of the court of common pleas, in the third subdivision of the fourth judicial district, of Ohio, No. 8926, for two hundred and eight dollars and thirty-three cents (\$208.33). Said original warrant, issued September 3, 1895, was lost.

Duplicate war-
rant in favor of
T. K. Dissette.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed January 24, 1896.

2G

[Senate Bill No. 29.]

AN ACT

Authorizing the auditor of state to issue a duplicate warrant for original warrant No. 6705.

Duplicate warrant in favor of J. J. McMaken.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue a duplicate warrant in favor of J. J. McMaken, a member of the 71st general assembly, in the sum of seventy-five dollars (\$75.00), being the salary due him as senator for the last half month of the session of the general assembly. Said original warrant, No. 6705, for seventy-five dollars (\$75.00), issued May 9, 1894, having been destroyed.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed January 24, 1896.

3G

[House Bill No. 161.]

AN ACT

To appropriate funds for furnishing a hospital, improving the grounds, and for ordinary repairs at the Ohio soldiers' and sailors' home at Sandusky, Ohio.

Appropriation for Ohio soldiers' and sailors' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of nine thousand (\$9,000.00) dollars for furnishing a hospital, improving grounds and ordinary repairs at the Ohio soldiers' and sailors' home.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed January 29, 1896.

4G

[Senate Bill No. 71.]

AN ACT

To amend section 1655b of the Revised Statutes.

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1655b of the Revised Statutes of Ohio, be amended so as to read as follows:

SEC. 1655b. In cities of the first grade of the first class, no ordinance, resolution, or order, for granting a franchise or creating a right, or for the purchase, lease, sale or transfer of property, and no resolution declaring it to be to the interest of such city that any property of any kind or description shall be sold, shall take effect, unless such ordinance, resolution or order is concurred in by the board of administration of such city, and unless approved by the mayor, or, in case of his disapproval, is passed over his veto in the manner provided by law.

Requirements to effect certain ordinances, resolutions or orders in Cincinnati.

SECTION 2. Said original section 1655b, as enacted March 5, 1894 (91 O. L., 49), and all other acts inconsistent with this act be and the the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed January 30, 1896.

5G

[Senate Bill No. 10.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897^p be enacted as supplementary to section 897 of the Revised Statutes as follows:

County commissioners:

SEC. 897^p. In counties which by the last preceding federal census had a population of not less than 26,950 nor more than 26,970, or which at any subsequent federal census may have such population, each county commissioner shall on and after March 1, 1896, devote his entire time to the duties of his office, if so required, and shall receive a salary at the rate of eight hundred (800) dollars per annum, to be paid in equal monthly instalments upon the warrant of the county auditor; said salary shall be in full payment for all services rendered, mileage or expenses incurred, except when traveling on official business outside the county each commissioner may be paid his actual expenses, after filing with the county auditor an itemized statement of the same, attested by his oath.

Duties, salary and expenses in Pickaway county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 3, 1896.

6G

[Senate Bill No. 16.]

AN ACT

To supplement section 2834 of the Revised Statutes of Ohio.

Levying taxes: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2834 of the Revised Statutes of Ohio be supplemented as follows:

Power of certain officers to issue bonds or borrow money to change but not increase indebtedness.

SEC. 2834a. The trustees of any township, the board of education of any school district, except a city district of the first class, and the commissioners of any county, for the purpose of extending the time of payment of any indebtedness which, from its limits of taxation, such township, school district or county is unable to pay at maturity, or when it appears to said trustees, board of education or commissioners, for the best interest of said township, school district or county, shall have power to issue bonds of such township, school district or county, or borrow money, so as to change but not to increase the indebtedness, for such length of time, in such amounts, and at such a rate of interest as the said trustees, board of education or commissioners may deem proper, not to exceed six per cent. per annum, payable annually or semi-annually.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 3, 1896.

7G

[Senate Bill No. 18.]

AN ACT

To amend original sections 871, 872 and 873 of the Revised Statutes of Ohio.

County commis- SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That original sections 871, 872 and 873 of the Revised Statutes of Ohio be amended so as to read as follows:

Objects for which money may be borrowed and bonds issued.

SEC. 871. The commissioners, for the execution of the objects stated in the preceding section, or for the purpose of erecting any court-house, buildings for county officers, jail, county infirmary, or bridge, or for the purpose of enlarging, repairing, improving or rebuilding any such building or bridge, or for the relief or support of the poor, may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually, at the county treasury, and the

Payment of interest and principal.

principal shall be paid at such treasury, at such times as the commissioners prescribe, within twenty years from the date of such indebtedness; the interest on all the bonds issued for any of said purposes, shall become due and payable at the same time, and the first payment of interest on any such bond shall be for such portion of the six months as has elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter.

SEC. 872. The bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached, in sums not less than fifty nor more than one thousand dollars each, payable to bearer at the county treasury, with interest, as aforesaid, at such times, not exceeding twenty years after date, as the commissioners prescribe, and such bonds shall specify distinctly the object for which they were issued.

Bonds issued under preceding section.

SEC. 873. The commissioners shall, annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, and at least one-twentieth of the principal; but where such indebtedness is created by the purchase of lands, the erection, repair, alteration, or improvement of a building or buildings for an infirmity, the property of any city which supports the poor thereof at its own expense exclusively, shall not be taxed for such purpose.

Annual levy of taxes to pay interest and principal.

SECTION 2. That original sections 871, 872 and 873 of the Revised Statutes of Ohio, be, and the same are, hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 3, 1896.

8G

[House Bill No. 31.]

AN ACT

To authorize the canal commissioners and board of public works of the state of Ohio to lease a portion of an embankment of the Miami and Erie canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the canal commission and board of public works of the state of Ohio are hereby authorized to lease for a period not to exceed fifteen (15) years, and upon such terms as they may deem satisfactory, to the Troy wagon works company or its assigns, to be used for a roadway or railway purposes, that portion of the embankment of the Miami and Erie canal in the city of Troy, Miami county,

Lease of portion of embankment of Miami and Erie canal.

Reservations.

Ohio, commencing at the westerly right of way line of the Cincinnati, Hamilton and Dayton railway company at its intersection with the berme-bank of the Miami and Erie canal and running thence northwesterly along the westerly line of said canal a distance of four hundred and twenty-five (425) feet, except that portion occupied by the main building, boiler house and corn crib of Allen and Wheeler under the terms and restrictions following: The state reserves all right in the premises for canal purposes. The state reserves the right to regulate the occupancy of the said premises by the said party of the second part, all change in the towing path, the moving and rebuilding of the change bridge and the necessary piling and planking and occupancy to be under the supervision of the chief engineer of public works, and at the expense of the said party of the second part.

SECTION 2. This act to take effect and be in full force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed February 3, 1896.

9G

[House Bill No. 116.]

AN ACT

To make appropriation for the support of common schools.

Appropriation
for common
schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, for the fiscal year ending November 15, 1896, and for the fiscal year ending November 15, 1897, the sum of three million, four hundred ninety-two thousand, seven hundred and seventy-four dollars (\$3,492,774.00), or as much as may come into the state treasury for that purpose, to be distributed and paid in the manner provided by law, agreeable to section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed February 3, 1896.

10G

[House Bill No. 100.]

AN ACT

- **Making appropriations for ordinary repairs and improvements and transportation for Columbus state hospital and the Ohio hospital for epileptics.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money in the state treasury, not otherwise appropriated, the sum of four thousand (\$4,000) dollars for ordinary repairs, improvements and furniture for the Columbus state hospital, and five thousand (\$5,000) dollars for furnishing and equipping two cottages at the Ohio hospital for epileptics, and fifteen hundred (\$1,500) dollars for transportation of inmates to said hospital.

Appropriation
for Columbus
state hospital
and Ohio hos-
pital for epilep-
tics.

SECTION 2. This act shall take effect upon its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 4, 1896.

11G

[House Bill No. 156.]

AN ACT

To make an appropriation to pay the principal and interest on the public debt and interest on the irreducible debt and expense of the sinking fund commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For payment of the principal of the funded debt or certificates of indebtedness due July 1, 1896, and July 1, 1897, five hundred thousand (\$500,000) dollars; for payment of funded debt and certificates of indebtedness, ninety-two thousand five hundred (\$92,500) dollars, or so much thereof as may be necessary to pay the interest falling due July 1, 1896, and January 1, 1897, and July 1, 1897, and January 1, 1898; for interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, five hundred and sixty thousand (\$560,000) dollars; for the expense of the commissioners in paying the loan and interest due July 1, 1896, and January 1, 1897, and July 1, 1897, and January 1, 1898, and refunding bonds, fourteen hundred (\$1,400) dollars; for payment of the office expenses of the commissioners of the sinking fund, including the salary of clerk, three thousand (\$3,000) dollars.

Appropriations
for payment:

Principal and in-
terest of funded
debt and certifi-
cates of indebt-
edness.

Interest on irre-
ducible debt.

Expenses of
commissioners
and salary of
clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 5, 1896.

12G

[House Bill No. 2.]

AN ACT

To amend section 848 of the Revised Statutes of Ohio as amended April 6, 1892.

County commis-
sioners: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 848 of the Revised Statutes be amended so as to read as follows:

Annual organi-
zation of board;
president; va-
cancy

SEC. 848. The board of county commissioners shall organize annually on the third Monday of September, and the commissioner whose term first expires shall be the president of the board and shall preside at all regular and special sessions of the board. If the position of president should become vacant during the year the board shall select one of its members to preside.

Repeals.

SECTION 2. That section 848 of the Revised Statutes as amended April 6, 1892, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

D. L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 6, 1896.

13G

[House Bill No. 17.]

AN ACT

To amend section 4086 Revised Statutes of Ohio.

Teachers' insti-
tutes: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4086 be amended so as to read as follows:

Organization of
county teachers'
institute.

SEC. 4086. A teachers' institute may be organized in any county, by the association of not less than thirty practical teachers of common schools residing therein, who shall declare their intention in writing, to attend such institute, the purpose of which shall be the improvement of such teachers in their profession; such institute shall elect annually by ballot a president, secretary, both of whom shall be ex

Election, term,
duties and bond
of officers.

officio members of the executive board, and one member of an executive committee who shall serve for a term of three years; provided, that at the first annual election under the provisions of this act, there shall be elected three members of an executive committee; the one receiving the highest number of votes to serve three years; the one receiving the next highest number of votes to serve two years; and the one receiving the next highest number of votes to serve one year. It shall be the duty of this executive committee to manage the affairs of the institute; which committee shall enter into a bond, payable to the state of Ohio, with sufficient surety, to be approved by the county auditor in double the amount of the institute fund in the county treasury, for the benefit of the institute fund of the county, and conditioned that the committee shall account faithfully for the money which will come into its possession, and make the report to the commissioner of common schools, required by section four thousand and eight, and such election of officers shall be held during the session of such institute and at a time fixed by the executive committee thereof, of which election at least three days' notice shall be given the members of such institute by posting conspicuously in a room, where such institute is held, a notice of the time and place of holding such election, and of the officers to be voted for at such election.

SECTION 2. The said original section 4086, Revised Statutes of Ohio, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed February 6, 1896.

14G

[House Bill No. 140.]

AN ACT

Making partial appropriations for the last three quarters of the fiscal year ending November 15, 1896, and the first quarter of the fiscal year ending February 15, 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

Partial appropriations for 1896 and 1897.

Adjutant-General's Department.

Salary of adjutant-general.....	\$2,000 00
Salary of assistant adjutant-general.....	1,500 00

Partial appro-
priations for 1896
and 1897.

Salary of chief clerk.....	1,400 00
Salary of clerks.....	6,000 00
Salary of superintendent of state arsenal.....	1,350 00
Transportation indigent soldiers.....	100 00
Contingent expenses and inspections.....	500 00
Stenographer	200 00

Total for this department..... \$13,050 00

Ohio National Guard.

Uniforms, overcoats and blankets.....	\$5,000 00
Care of military stores and freight on arms.	300 00

Total for this department..... \$5,300 00

State House and Grounds.

Salary of superintendent of laborers.....	\$900 00
Salary of engineer.....	1,000 00
Salary of two (2) firemen.....	900 00
Salary of visitors' attendant.....	720 00
Salary of janitor of flag-room.....	720 00
Salary of day policeman.....	720 00
Salary of night policeman.....	800 00
Salary of four (4) regular laborers.....	626 00
Extra labor.....	500 00
Fuel for state-house.....	300 00
Material and repairs.....	500 00
Care and repair heating apparatus.....	300 00

Total for this department..... \$7,986 00

Agricultural Experiment Station.

Bulletin illustration.....	\$200 00
Substations, pupils' experiment.....	500 00

Total for this department..... \$700 00

Attorney-General's Office.

Salary attorney-general.....	\$1,500 00
Fees on collections.....	300 00
Salary of clerk.....	300 00
Contingent	200 00

Total for this department..... \$2,300 00

Auditor of State.

Salary of auditor of state.....	\$3,000 00
Salary of chief clerk.....	2,400 00
Salary of railroad and bank clerk.....	1,700 00
Salary of bookkeeper.....	1,700 00
Salary of land clerk.....	1,500 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistician.....	1,350 00

Salary of corresponding clerk.....	800 00	Partial appropriations for 1896- and 1897.
Transcribing land records.....	375 00	
Contingent expenses.....	550 00	

Total for this department..... \$14,775 00

State Archaeological and Historical Society.

Current expenses.....	\$500 00
Care of Fort Ancient.....	125 00

Total for this department..... \$625 00

Board of Agriculture.

Encouragement of agriculture.....	\$1,800 00
Contingent expenses.....	500 00
Crop and stock reporting service.....	500 00

Total for this department..... \$2,800 00

Board Appraisers and Assessors.

Salary of members.....	\$750 00
Contingent expense.....	175 00

Total for this department..... \$925 00

Board of Arbitration.

For per diem and expenses of members.....	\$1,250 00
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Total for this department..... \$1,250 00

Board of State Charities.

Expenses	\$1,500 00
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Total for this department..... \$1,500 00

Board of Health.

Expense state board of health.....	\$3,750 00
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Total for this department..... \$3,750 00

Board of Pardons.

Salary of members.....	\$3,000 00
Salary of secretary.....	300 00

Total for this department..... \$3,300 00

Board of Public Works.

Salary of members.....	\$2,400 00
Salary of engineers.....	3,600 00
Salary of secretary.....	1,500 00
Salary of clerk.....	700 00
Traveling expenses of members.....	450 00
Contingent expenses.....	125 00

Total for this department..... \$8,775 00

Partial appro-
priations for 1896
and 1897.

Canal commission salaries..... \$750 00

Dairy and Food Commissioner.

Commissioner's salary..... \$2,000 00
Commissioner's expense..... 300 00
Assistant commissioner's salary..... 2,000 00
Assistant commissioner's expense..... 500 00
Inspection and prosecution..... 5,500 00
Contingent expenses..... 200 00

Total for this department..... \$10,500 00

Fish and Game Commission.

Expense fish and game commissioner..... \$1,000 00

Total for this department..... \$1,000 00

Commissioner of Labor Statistics.

Commissioner's salary..... \$2,000 00
Traveling expenses..... 200 00
For chief clerk..... 325 00
For clerk 180 00
For clerk..... 200 00
For stenographer..... 180 00
Contingent expenses..... 2,500 00

Total for this department..... \$5,585 00

Commissioner of Common Schools.

Salary of commissioner..... \$2,000 00
Salary of chief clerk..... 1,750 00
Salary of statistical clerk..... 1,200 00
Salary of stenographer..... 150 00
Traveling expenses of commissioner..... 187 00
Contingent expenses..... 225 00

Total for this department..... \$5,512 00

Governor's Office.

Salary of governor..... \$8,000 00
Salary of lieutenant-governor..... 800 00
Salary of private secretary..... 800 00
Salary of executive clerk..... 1,500 00
Salary of commission clerk..... 1,200 00
Salary of corresponding clerk..... 1,200 00
Contingent expenses..... 500 00
Repairing wash-room, chairs, new chairs and
book-case 360 00

Total for this department..... \$14,360 00

Chief Inspector of Mines.

Salary of chief inspector..... \$2,000 00
Salary of district inspectors..... 8,400 00

Contingent office expenses.....	250 00	Partial appro- priations for 1896 and 1897.
Contingent traveling expenses.....	1,050 00	
Clerk hire.....	375 00	
Attorney's fees.....	50 00	

Total for this department..... \$12,125 00

Inspector of Workshops and Factories.

Salary of chief inspector.....	\$2,000 00
Traveling expenses of chief inspector.....	150 00
Salary of district inspectors (eleven).....	2,750 00
Traveling expenses of district inspectors.....	1,375 00
Contingent expenses.....	300 00
Clerk hire.....	1,435 00

Total for this department..... \$8,010 00

Judiciary.

Salaries of judges.....	\$80,000 00
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Total for this department..... \$80,000 00

Law Library.

Salary of law librarian.....	\$1,500 00
Salary of assistant law librarian.....	1,200 00
Books and cataloguing.....	625 00
Contingent fund.....	75 00

Total for this department..... \$3,400 00

Legislative.

Contingent expenses of senate.....	\$3,750 00
Contingent expenses of house.....	2,000 00
Expenses of legislative committees.....	800 00

Total for this department..... \$6,550 00

Prosecution and Transportation of Convicts to O. P.

Prosecution and transportation to Ohio peniten- tiary	\$50,000 00
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Total for this department..... \$50,000 00

Prosecution Ohio War Claims Against Gen'l Government.

Salary of agent.....	\$1,500 00
Expense of agent.....	600 00

Total for this department..... \$2,100 00

Secretary of State.

Salary of secretary of state.....	\$2,000 00
Salary of state supervisor of elections.....	1,000 00
Salary of chief clerk.....	2,400 00
Salary of statistical clerk.....	1,500 00

Partial appropriations for 1886
and 1897.

Salary of assistant statistical clerk.....	1,350 00
Salary of stationery clerk.....	1,350 00
Salary of proof-reading clerk.....	1,350 00
Salary of corporation clerk.....	1,350 00
Salary of recording clerk.....	1,350 00
Salary of superintendent of book room.....	1,000 00
Salary of extra clerks.....	737 50
Salary of stenographer.....	312 50
Contingent expenses.....	100 00
Distribution of books.....	750 00
Stationery	2,375 00

Total for this department..... \$18,925 00

State Library.

Salary of librarian.....	\$1,500 00
Salary of assistant librarian.....	1,200 00
Salary of janitor.....	900 00
Salary of stenographer and typewriter.....	180 00
Contingent expenses and extra labor.....	300 00
Books and papers.....	1,250 00

Total for this department..... \$5,330 00

Superintendent of Insurance.

Salary of superintendent.....	\$2,000 00
Salary of deputy superintendent.....	1,800 00
Salary of examining clerk.....	1,500 00
Salary of bookkeeper.....	1,500 00
Salary of corresponding clerk.....	1,000 00
Salary of mailing clerk.....	1,000 00
Salaries of extra clerks.....	750 00
Salary of actuary.....	250 00
Attorney's fees.....	1,000 00
Contingent expenses.....	750 00

Total for this department..... \$11,550 00

Bureau of Building and Loan Associations.

Salary of inspector.....	\$1,000 00
Salary of deputy inspector.....	1,800 00
Salary of clerk.....	300 00
Salary of extra clerk.....	400 00
Contingent expenses.....	125 00
Attorney's fees.....	125 00

Total for this department..... \$3,750 00

Supervisor of Public Printing.

State printing.....	\$10,000 00
State binding.....	10,000 00
Salary of supervisor.....	2,000 00
Contingent expenses.....	50 00

Total for this department..... \$22,050 00

Supreme Court.

Contingent fund.....	\$75 00	Partial appropriations for 1896 and 1897.
Salary of janitor.....	250 00	
Attendance	200 00	
Total for this department.....	\$525 00	

Clerk of the Supreme Court.

Salary of clerk.....	\$1,500 00
Salary of first deputy.....	1,450 00
Salary of second deputy.....	1,250 00
Contingent expenses.....	150 00
Extra clerk hire.....	200 00
Total for this department.....	\$4,550 00

Reporter of the Supreme Court.

Salary of the reporter.....	\$1,500 00
Contingent expenses.....	150 00
Total for this department.....	\$1,650 00

Treasurer of State.

Salary of treasurer of state.....	\$3,000 00
Salary of cashier.....	2,400 00
Salary of two bookkeepers.....	3,000 00
Salary of two night watchmen.....	1,800 00
Alarm telegraph and telephone.....	86 00
Collecting of auditor of state's drafts.....	450 00
Total for this department.....	\$10,736 00

Ohio Penitentiary.

Per diem of managers.....	\$5,000 00
Salary of officers.....	6,420 00
Salary of guards.....	22,500 00
Current expenses.....	46,760 00
Manufacture of gas.....	4,000 00
Rewards to discharged convicts.....	7,500 00
Ordinary repairs.....	3,000 00
Total for this institution.....	\$95,180 00

Wilberforce University.

Current expenses.....	\$3,125 00
Total for this institution.....	\$3,125 00

Athens State Hospital.

Current expenses.....	\$25,000 00
Officers' salaries, trustees' expenses and salary of secretary.....	1,450 00
Ordinary repairs.....	5,412 00
Total for this institution.....	\$31,862 00

Partial appro-
priations for 1896
and 1897.

Cleveland State Hospital.

Current expenses.....	\$30,000 00
Ordinary repairs.....	2,500 00
Salaries of officers.....	1,450 00
Expenses of trustees, including secretary's.....	200 00
Total for this institution.....	\$34,150 00

Columbus State Hospital.

Current expenses.....	\$35,000 00
Salaries of officers and trustees' expenses.....	1,600 00
Repairs and improvements.....	2,000 00
Total for this institution.....	\$38,600 00

Dayton State Hospital.

Current expenses.....	\$25,000 00
Officers' salaries and trustees' expenses.....	1,500 00
Ordinary repairs.....	3,000 00
Total for this institution.....	\$29,500 00

Longview State Hospital.

General appropriation.....	\$25,000 00
Total for this institution.....	\$25,000 00

Toledo State Hospital.

Current expenses.....	\$35,000 00
Salaries of officers and expenses of trustees....	1,450 00
Ordinary repairs.....	2,500 00
Total for this institution.....	\$38,950 00

Boys' Industrial School.

Current expense fund	\$15,000 00
Salary fund and trustees' expenses.....	8,950 00
For furnishing chapel.....	2,500 00
Ordinary repairs.....	2,000 00
Reward fund.....	200 00
Total for this institution.....	\$28,650 00

Girls' Industrial Home.

Current expenses.....	\$5,000 00
Salaries and expenses of trustees.....	4,815 00
Ordinary repairs and improvements, including furniture and carpets and library.....	2,500 00
Total for this institution.....	\$12,315 00

Institution for the Education of the Deaf.

Current expenses.....	\$15,000 00
Salaries of officers, teachers, and expenses of trustees	9,110 00

Ordinary repairs.....	500 00	Partial appro- priations for 1896 and 1897.
Foremen and supplies, industrial pursuits.....	1,375 00	
Lumber and nails for boxes.....	250 00	

Total for this institution..... \$26,235 00

Ohio Soldiers' and Sailors' Home.

Current expense and clothing.....	\$20,000 00
Officers' salaries and trustees' expenses.....	2,000 00
Ordinary repairs, improvement of grounds, and furniture, carpet and bedding.....	2,000 00

Total for this institution..... \$24,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses.....	\$30,000 00
Salary of officers and expenses of trustees.....	6,000 00
Ordinary repairs.....	4,000 00
Industrial pursuits.....	2,000 00
Entertainment and amusement.....	150 00
Salaries of foremen.....	2,500 00
Net earnings.....	500 00

Total for this institution..... \$45,150 00

Ohio Hospital for Epileptics.

Current expenses.....	\$21,000 00
Salaries of officers and trustees' expenses.....	1,475 00
Transportation of inmates.....	625 00

Total for this institution..... \$23,100 00

Institution for the Blind.

Current expenses.....	\$14,000 00
Salaries, etc.....	4,000 00
Repairs.....	3,000 00
Oculist.....	300 00

Total for this institution..... \$21,300 00

Institution for Feeble-Minded Youth.

Current expenses.....	\$25,000 00
Salaries and expenses of trustees.....	5,000 00
Ordinary repairs.....	3,000 00

Total for this institution..... \$33,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1896, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

Partial appropriations for 1896 and 1897.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate.

Passed February 6, 1896.

15G

[Senate Bill No. 56.]

AN ACT

Making appropriations for the governor's inauguration.

Appropriation for inaugural expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of four hundred and nineteen dollars and ninety-nine cents for the expenses incurred in the inauguration of the governor-elect, on the thirteenth day of January, 1896, to be paid out upon vouchers approved by the chairman of the joint committee having in charge the inauguration ceremonies.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 7, 1896.

16G

[House Bill No. 160.]

AN ACT

Making appropriations to build a sewer for the Cleveland state hospital and repealing an act passed May 1, 1894, entitled "An act making appropriations to build a sewer for the Cleveland state hospital."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is appropriated out of any moneys in the treasury, not otherwise appropriated, to the credit of the general revenue fund, for the purpose hereinafter specified, to wit: For constructing a sewer from the sewer of the Cleveland state hospital to the sewer of the city of Cleveland at the corner of Miles avenue and Broadway, ten thousand dollars (\$10,000). Any balance in the foregoing funds may be transferred to either of the other funds of the trustees of the Cleveland state hospital, and the act of May 1, 1894, entitled "An act making appropriations to build a sewer for the Cleveland state hospital" is hereby repealed.

Appropriation
for sewer for
Cleveland state
hospital.

Transfer of bal-
ance.

Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES
President of the Senate.

Passed February 7, 1896.

17G

[Senate Bill No. 23.]

AN ACT

Authorizing the auditor of state to issue a duplicate warrant on state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue a duplicate warrant in favor of Samuel Llewellyn, deputy mine inspector in district number one, for one hundred dollars, said original warrant No. 9475, issued September 18, 1895, was accidentally destroyed.

Duplicate war-
rant in favor of
Samuel Llewel-
lyn.

SECTION 2. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 12, 1896.

18G

[House Bill No. 51.]

AN ACT

To amend sections 2577 and 2578 of the Revised Statutes of Ohio.

Markets: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2577 and 2578 of the Revised Statutes of Ohio be amended so as to read as follows:

Power to regulate markets.

SEC. 2577. The council may also prevent forestalling the markets, prohibit or regulate huckstering in the markets, and adopt such rules and regulations as are necessary to prevent fraud, and preserve order in the markets; and they may authorize the immediate seizure, arrest, and removal from any market of any person violating its regulations, together with any article in his possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions; provided, that in cities of the third grade of the first class, the common council may by ordinance designate any particular market or markets as a "hay-market" or "hay-markets" and prohibit the selling of any hay, straw, fodder, grain or wood at any other markets than those so designated.

Toledo hay-market.

No charge to be made for occupancy of market-spaces, etc.

SEC. 2578. No charge or assessment of any kind shall be levied upon any farmer or producer of vegetables or provisions bringing the same to market, for occupying a place, with or without horses and wagons used in bringing such produce to the market, in any of the market-spaces, or in the streets contiguous thereto, on market-days, and evenings previous thereto; provided, however, that nothing in this section shall prohibit cities of the third grade of the first class by ordinance requiring any person, not occupying a regularly rented space in a market, to pay a reasonable compensation not to exceed twenty-five cents, for each day or portion of a day such person may occupy space upon a market for the purpose of selling any article specified in section 2576 of the Revised Statutes of Ohio, and to provide for the collection thereof.

Toledo.

Repeals, etc.

SECTION 2. That sections 2577, and 2578 of the Revised Statutes of Ohio be and the same are hereby repealed and this act shall take effect and be in force on its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

19G

[House Bill No. 53.]

AN ACT

To amend section 3 of an act entitled "An act to prevent fraud and deception in the manufacture and sale of oleomargarine and promote public health in the state of Ohio," passed May 16, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of an act entitled "An act to prevent fraud and deception in the manufacture and sale of oleomargarine and promote public health in the state of Ohio," be amended to read as follows:

Oleomargarine:

SEC. 3. Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding-house, restaurant, eating-house, lunch-counter or lunch-room, who therein sells, uses, serves, furnishes or disposes of or uses in cooking, any oleomargarine, shall display and keep a white placard in a conspicuous place, where the same may be easily seen and read, in the dining-room, eating-room, restaurant, lunch-room or place where such substance is furnished, served, sold or disposed of, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters, not less in size than one and a half inches square, the words, "oleomargarine sold and used here," and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager or person in charge shall not sell, serve or dispose of such substance as for butter when butter is asked for or purported to be furnished or served.

Placards to be displayed by hotel proprietors and others.

Deception prohibited.

SECTION 2. Section 3 of the above recited act, passed May 16, 1894, is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 13, 1896.

20G

[House Bill No. 67.]

AN ACT

To amend supplemental section 2264b of the Revised Statutes of Ohio, as amended May 21, 1894, and to amend section 2269 of the Revised Statutes of Ohio, as amended May 21, 1894 (O. L. vol. 91, p. 377).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 2264b of the Revised Statutes of Ohio, as amended May 21, 1894, and sec-

Assessments:

tion 2269 of the Revised Statutes of Ohio, as amended May 21, 1894 (O. L., vol. 91, p. 377), be and the same are hereby amended to read as follows:

Rules governing
levy of special
assessments in
Cincinnati, To-
ledo and Spring-
field.

SEC. 2264b. In cities of the first and third grade of the first class, and in cities of the second class, third grade *a*, in making assessments as provided for in section 2264 of the Revised Statutes, said assessment may be made on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, or according to the value of the property assessed, or by the abutting foot of the property bounding and abutting the improvement, in the manner and subject to the restrictions provided in said section 2264.

Rules governing
levy of special
assessments ac-
cording to valu-
ation.

SEC. 2269. In making special assessments, according to valuation, the council shall be governed by the assessed value of the lots, if the land is subdivided and the lots are numbered and recorded; but if the lots are not assessed for taxation, or if there is land not subdivided into lots, the council shall fix the value of the lots or the value of the front of such land to the usual depth of lots, by the average of two blocks, one of which shall be next adjoining on either side; and if there are no blocks so adjoining, the council shall fix the value of the lots or lands to be assessed so that it will be a fair average of the assessed value of other lots in the neighborhood, and if in making a special assessment by the foot front, or in cities of the first and third grade of the first class, or in cities of the second class, third grade *a*, by the abutting foot, there is land bounding or abutting upon the improvement not subdivided into lots, the council shall fix the depth of such lands so that it will be a fair average depth of the lots in the neighborhood, which shall be subject to such assessment; and this section shall be applicable to special assessments provided for in this chapter, excepting assessments according to benefits.

Cincinnati, To-
ledo and Spring-
field.

Repeals.

SECTION 2. That supplemental section 2264b of the Revised Statutes of Ohio, as amended May 21, 1894, and section 2269 of the Revised Statutes of Ohio, as amended May 21, 1894 (O. L., vol. 91, p. 377), be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives
ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

21G

[House Bill No. 122.]

AN ACT

To amend sections 1, 2, 4, 6 and 7 of an act entitled "An act to prohibit the use of fictitious names in partnership," passed May 19, 1894 (O. L., vol. 91, pp. 357, 358).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1, 2, 4, 6 and 7 of the act entitled "An act to prohibit the use of fictitious names in partnership," passed May 19, 1894 (O. L. 91, pp. 357, 358), be amended so as to read as follows:

Partnership:

SEC. 1. Except as otherwise provided in the next section, every partnership transacting business in this state under a fictitious name, or a designation not showing the names of the persons interested as partners in such business, must file with the clerk of the court of common pleas of the county in which its principal office or place of business is situated, a certificate to be indexed by said clerk stating the names in full of all the members of such partnership and their places of residence.

Certificate certain partnerships required to file.

SEC. 2. A commercial or banking partnership established and transacting business without the United States, may, without filing the certificate prescribed in the foregoing section, use in the state the partnership name used by it there, although it be fictitious or does not show the names of the persons interested as partners in such business.

Foreign partnerships excepted.

SEC. 4. On every change in the members of a partnership transacting business in this state under a fictitious name or designation which does not show the names of the persons interested as partners in the business, except in the cases mentioned in section two of this act, a new certificate must be filed with the clerk of the court of common pleas, as required by this act, on the formation of such partnership, and for the filing and indexing of each certificate under the provisions of this act, said clerk shall be entitled to charge the partnership filing the same the sum of forty cents.

New certificate on change in membership.

Fee of clerk.

SEC. 6. That after the passage and approval of this act, any persons doing business as partners contrary to the provisions of this act, shall not commence nor maintain an action on or on account of any contracts made, or transactions had in their partnership name in any court of this state, until they shall have first filed the certificate herein required; provided, however, that if such partners shall at any time comply with the provisions of this act, then such partnership shall have the right to commence an action, or if such action has been commenced to maintain the same on all such partnership contracts and transactions entered into prior as well as after such compliance with this act.

Actions.

SEC. 7. Copies of the entries of a clerk of the court of common pleas as herein directed, when certified by him, as herein directed, are presumptive evidence of the facts therein stated.

Evidence.

Repeals, etc.

SECTION 2. That the said original sections 1, 2, 4, 6 and 7 of such act, passed May 19, 1894, be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

22G

[House Bill No. 151.]

AN ACT

To amend section 1553 of the Revised Statutes.

Villages and hamlets:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1553 of the Revised Statutes be amended to read as follows:

Right to incorporation.

SEC. 1553. The inhabitants of any territory laid off into village or hamlet lots, a plat of which territory has been acknowledged and recorded as is provided with respect to deeds, or the inhabitants of any territory which has been laid off into such lots and surveyed and platted by an engineer or surveyor who certifies thereon, under oath, to its correctness, and which is recorded as is provided with respect to deeds, or the inhabitants of any island or adjacent islands, or parts thereof, or of such island or islands or parts thereof, and adjacent territory, may obtain the organization of a village or hamlet, in the manner provided in this title; and when such village or hamlet is organized upon any island or islands, it may be done without reference to the number of permanent inhabitants embraced within such territory, and without such plat having been first made; provided, that no corporation under this chapter shall embrace within its limits the grounds or improvements of any county or city infirmery.

Restriction.

Repeals, etc.

SECTION 2. Said original section 1553 is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

23G

[House Bill No. 199.]

AN ACT

Making appropriations for the Ohio state university.

Appropriations for Ohio state university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury to

the credit of the Ohio state university fund, not otherwise appropriated, for the last three quarters of the fiscal year ending November 15, 1896, and the first quarter of the fiscal year 1897, the sum of ninety thousand (\$90,000) dollars, or so much as may come into the treasury to the credit of said fund; and for the last three quarters of the fiscal year ending November 15, 1897, and for the first quarter of the fiscal year 1898, the sum of ninety-one thousand dollars (\$91,000), or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university, in accordance with the provisions of section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891. (O. L. 88, p. 159.)

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

24G

[Senate Bill No. 32.]

AN ACT

To amend section 4476 of the Revised Statutes of Ohio, as amended January 30, 1883 (O. L., vol. 80, p. 9).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand four hundred and seventy-six of the Revised Statutes of Ohio, as amended January 30, 1883 (O. L., vol. 80, p. 9), be amended so as to read as follows:

County ditches:

SEC. 4476. No bid shall be entertained which exceeds the estimated cost of construction; the surveyor or engineer shall sell first, the job or labor of the construction of the working section of the outlet or mouth of the improvement, and fix a day when the job shall be completed, not exceeding in any case, one hundred and fifty days from the day of sale, and shall then sell each remaining working section in its order, up stream, and require the labor on each to be completed within a time so fixed that will, as nearly as practicable, secure an outlet for the water as each section is completed, but the commissioners may, if the construction of such work will be facilitated thereby, authorize the sale or construction of such work, or either, to be made and performed in a different order and time from that herein above specified. The surveyor or engineer shall make contracts and take bonds as aforesaid and report his doings to the commissioners within five days from the date of sale, and return the contracts and bonds to the auditor, who shall file and carefully preserve the same; the contracts and bonds shall be examined and approved or disapproved by the com-

Provisions as to
 sale, construc-
 tion, contracts,
 bonds, liability,
 claims, etc.

missioners, who shall cause an entry of their decision to be made on their journal, and the contractors to be notified of the approval or disapproval of the contracts and bonds; and the contractor for each job shall be liable, on his bond so given, for all delays after the expiration of the time named therein for the completion of the job, and for the payment of all damages which accrue by reason of the failure to complete the job within the time required in the contract therefor, and for the payment of all labor and material and for all debts incurred in the performance of his contract. All claims under this act shall be filed with the engineer before the expiration of the time for the completion of such contract.

Repeals, etc.

SECTION 2. That said original section forty-four hundred and seventy-six, as amended January 30, 1883 (O. L., vol. 80, p. 9), be and the same is hereby repealed and this act shall take effect on and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 19, 1896.

25G

[Senate Bill No. 34.]

AN ACT

To amend section 5853 of the Revised Statutes of Ohio.

To change
name:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section 5853 of the Revised Statutes of Ohio be amended so as to read as follows:

Proceeding to
change name of
person.

SEC. 5853. A person desiring to change his name may file a petition in the court of common pleas, or in the probate court, of the county in which he resides, setting forth that he has been a bona fide resident of such county for at least one year prior to the filing of the petition, the cause for which the change of name is sought, and the new name asked for; and the court, upon being satisfied, by proof in open court, of the truth of the facts set forth in the petition, that there exists reasonable and proper cause for changing the name of the petitioner, and that notice of the intended application has been given by one publication in a newspaper of general circulation in such county at least thirty days prior to filing of the petition, may order such change of name, and the probate judge is authorized to charge for his services in the proceedings, the sum of three dollars, and no more.

Fee of probate
judge.

SECTION 2. That said original section 5853 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

26G

[House Bill No. 37.]

AN ACT

To amend section 4786 of the Revised Statutes of Ohio, as amended May 1, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4786 of the Revised Statutes of Ohio, as amended May 1, 1894, be amended so as to read as follows:

One-mile assessment pikes:

SEC. 4786. Extra taxes, when levied as hereinbefore provided, shall be on real and personal property within one mile on each side of the free turnpike road, except when any free turnpike road in process of construction crosses a free turnpike road, either completed or in process of construction, under and by virtue of any road improvement or free turnpike laws, in which case such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other shall be assessed and taxed in proportion to the benefits that may be derived by the owners of the land and personal property from the construction and use of such free turnpike roads; except further, in counties containing a city of the first grade of the second class when any road improvement or free turnpike road, built and completed under any turnpike laws, begins or terminates in the proposed free turnpike, or where any of such roads, or any toll road, or unimproved state or county road, being unconnected with the same, runs upon either side of such proposed road, within less than two miles, then the taxes shall only be levied upon such lands and personal property as lie within one-half the distance of such roads. When the free turnpike road sought to be laid out under the provisions of this chapter is on the line between two or more counties, then said extra taxes shall be on the real and personal property within one mile on each side of the free turnpike road, except that in counties which at the last federal census contained population of not more than 100,000 nor less than 100,850, without exception. When the free turnpike road sought to be laid out under the provisions of this chapter lies within one mile of a county line upon either side of such free turnpike road, then said extra taxes shall be levied on the real and personal property as herein

Upon what property taxes to be assessed.

Franklin county.

Montgomery county.

provided and as lie between such free turnpike road and the county line within one mile of such free turnpike road.

Repeals.

SECTION 2. That section 4786 of the Revised Statutes of Ohio, as amended May 1, 1894, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed February 19, 1896.

27G

[House Bill No. 62.]

AN ACT

To amend section 1781 of the Revised Statutes of Ohio, as amended February 10, 1892 (O. L., vol. 89, p. 19).

City solicitor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1781 of the Revised Statutes of Ohio, as amended February 10, 1892 (O. L., vol. 89, p. 19), be amended so as to read as follows:

Salary; extra
fees or compen-
sation.

Additional
counsel.

Springfield.

SEC. 1781. He shall receive such stated salary, payable quarterly out of the corporation treasury, and such fees or compensation for particular services, as the council may prescribe; and no additional counsel shall be appointed or employed at the expense of the corporation, except by a resolution of the council adopted for that purpose, specifying the case in which such additional attorney is employed, and the reasons therefor, and may fix the compensation to be paid, but in cities of the second class, third grade *a*, he shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the corporation treasury, and no additional fees or compensation, except that the council of any such city may employ him to revise or codify the ordinances of any such city and pay him such compensation for such additional services as the said council may prescribe. And he shall be the attorney of all boards in the corporation; and in cities of the second class, third grade *a*, in addition to his duties provided by section 3977, Revised Statutes of Ohio, in relation to school boards and members and officers of school boards, he shall apply in the name of the school board to a court of competent jurisdiction for an order or injunction to restrain the misapplication of the public school funds or the abuse of the powers of said board or the execution or performance of any contract made in behalf of said board in contravention of the laws governing the same, or which was procured by fraud or corruption.

SECTION 2. That section 1781 of the Revised Statutes of Ohio, as amended February 10, 1892, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 19, 1896.

28G

[House Bill No. 170.]

AN ACT

To amend section 6350e of the Revised Statutes of Ohio, as amended March 24, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six thousand three hundred and fifty e (6350e), as amended March 24, 1891, be amended so as to read as follows:

Insolvent debtors:

SEC. 6350e. A report of all sales of real estate and personal property made as herein provided shall be returned to the court within the time prescribed, and the court, after having carefully examined such return, and being fully satisfied that the sale has in all respects been legally made, shall confirm the sale, and order the assignee or trustee to make a deed to the purchaser for the real estate sold; and may in the order require that before the delivery of such deed the deferred instalments of the purchase money shall be secured by mortgage. Provided, that if after such sale the purchaser offers to pay the full amount of the purchase money in cash, the court may order that the same shall be accepted if best for the interests of the creditors of the assignor, and direct its distribution; and the court may order the sale by the assignee or trustee, without recourse, of all or any of the notes taken for deferred payments, if best for the interests of the creditors of the assignor, at not less than their face value with accrued interest, and direct the distribution of the proceeds.

Return and confirmation of sales; order as to deed, acceptance of cash, sale of notes, etc.

SECTION 2. That section 6350e, as amended March 24, 1891, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 19, 1896.

29G

[House Bill No. 178.]

AN ACT

To amend section 4892 of the Revised Statutes of Ohio.

Repair of im-
proved roads:Annual appor-
tionment and as-
signment of
roads and pay-
ment for labor
thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4892 be so amended as to read as follows:

SEC. 4892. The trustees may at their regular March session each year apportion and assign to the several supervisors of roads in their townships, or to other suitable persons, such road or roads, or any part or parts thereof in the road districts of such supervisors respectively, to be by such supervisors, or by such other suitable persons kept in repair as required in section forty-eight hundred and ninety-one and under the control and supervision of the trustees. And all money paid out of the township treasury for the repair or improvement of such roads shall be paid to the person performing such labor, on the order of the trustees of such township.

Repeals.

SECTION 2. That section 4892 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

30G

[House Bill No. 257.]

AN ACT

Making appropriations for the Ohio state reformatory.

Appropriation
for Ohio state
reformatory.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated for uses and purposes hereinafter specified:

Ohio State Reformatory.

Salary of officers.....	\$5,000 00
Construction	20,000 00
Furniture	16,000 00

Total for this institution..... \$41,000 00

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

31G

[Senate Bill No. 41.]

AN ACT

To provide for the redemption of bonds and payment of interest on the mortgage debt upon the Ohio state fair-grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from money belonging to the sinking fund, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture as herein named: To redeem first mortgage bonds of said board, payable July 1, 1896, of the sixty thousand dollar issue, authorized by act of the general assembly, passed May 1, 1885, which are then payable, five thousand (\$5,000) dollars; for one year's interest on the total unpaid bonds of said issue, one thousand six hundred and fifty (\$1,650) dollars; to redeem first mortgage bonds of said board, payable July 1, 1897, of same issue, which are then payable, five thousand (\$5,000) dollars; for one year's interest on total unpaid bonds of said issue, one thousand three hundred and fifty (\$1,350) dollars.

Appropriation
for payment of
debt of Ohio
state board of
agriculture.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 20, 1896.

32G

[Senate Bill No. 85.]

AN ACT

To amend section 2834a of the Revised Statutes of Ohio and to repeal an act entitled "An act to supplement section 2834 of the Revised Statutes of Ohio," passed February 3, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2834a of the Revised Statutes of Ohio be amended so as to read as follows:

Levying taxes:

SEC. 2834a. The trustees of any township, the board of education of any school district, except in cities of the first class, and the commissioners of any county, for the purpose of extending the time of payment of any indebtedness which, from its limits of taxation, such township, school district or county is unable to pay at maturity, or when it appears to said trustees, board of education or commissioners, for the best interest of said township, school district or county, shall have power to issue bonds of such township, school district or county, or borrow money, so as to change but not to increase the indebtedness, for such length of time, in such amounts, and at such a rate of interest as the said trustees, board of education or commissioners may deem

Power of certain
officers to issue
bonds or borrow
money to change
but not increase
indebtedness.

Resolution as to
such indebted-
ness.

proper, not to exceed six per cent. per annum, payable annually or semi-annually; provided, however, that no indebtedness of any township, school district, or county shall be funded, refunded or extended unless such indebtedness shall first be determined to be an existing, valid and binding obligation, of any such township, school district or county by a formal resolution of the trustees, board of education or commissioners of any such township, school district or county, which resolution shall so state the amount of the existing indebtedness to be funded, refunded or extended, the aggregate amount of bonds to be issued therefor, their number and denomination, the date of their maturity, the rate of interest they shall bear, and the place of payment of principal and interest.

Repeals, etc.

SECTION 2. That an act entitled "An act to supplement section 2834 of the Revised Statutes of Ohio," passed February 3, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 20, 1896.

33G

[House Bill No. 225.]

AN ACT

To amend sections 1 and 9 as heretofore amended of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886.

Intoxicating
liquors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," as amended March 26, 1888 (O. L., vol. 85, p. 117), and also section 9 of said act as amended April 28, 1890 (O. L., vol. 87, p. 357), be amended so as to read as follows:

Annual tax upon
liquor business.

SEC. 1. That upon the business of trafficking in spirituous, vinous, malt, or any intoxicating liquors, there shall be assessed, yearly, and shall be paid into the county treasury, as hereinafter provided, by every person, corporation or copartnership engaged therein, and for each place where such business is carried on by or for such person, corporation or copartnership, the sum of three hundred and fifty dollars.

Distribution of
revenues and
fines.

SEC. 9. That the revenues and fines resulting under the provisions of this act shall be distributed as follows, to wit: In every county three-tenths of the money paid as herein provided into the county treasury on account of any business aforesaid carried on in any city, village, hamlet or

township therein shall be passed to the credit of the general revenue fund of the state and paid into the state treasury by the county treasurer as is provided in other cases; five-tenths of the money so paid, shall, upon the warrant of the county auditor, be paid on account of any business aforesaid carried on in any such municipal corporation into the treasury of said corporation, one-half to the credit of the police fund, and one-half to the credit of the general revenue fund thereof; provided, in corporations having no police fund the entire five-tenths shall be passed to the credit of the general revenue fund thereof; and the remaining two-tenths part thereof, together with all other revenues resulting hereunder in said county, shall be passed to the credit of the poor fund of said county; provided, that in all counties in which there is no county infirmary said remaining two-tenths part thereof shall be passed to the credit of the infirmary fund or the poor fund of the township, village or city in which the same shall have been collected; and in such counties, when the money is paid on account of any business carried on in any township outside of any such municipal corporation, said five-tenths, also, shall be passed to the credit of the infirmary fund or the poor fund of said township; and provided, that in counties having a city of the first grade of the first class with a city infirmary and a county infirmary, the above two-tenths part shall be divided as follows: The city infirmary fund shall have passed to its credit two-tenths of all the money so paid in said city of the first grade of the first class; the county infirmary fund shall have passed to its credit two-tenths of all the money so paid in by any village, hamlet or township in said county outside of said city of the first grade of the first class; and the above five-tenths part of all the money so paid in by any township outside of any municipal corporation shall be paid into the treasury of such township, to be distributed by the order of the trustees of said township to the general revenue fund and poor relief fund, in such proportions as said trustees may deem proper.

Hamilton
county.

SECTION 2. That sections 1 and 9 of said act as heretofore amended be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 20, 1896.

34G

[House Bill No. 244.]

AN ACT

To amend section 4074 of the Revised Statutes of Ohio.

School examiners:

Certificate a prerequisite to employment of teachers.

Special studies or primary department

Physiology and hygiene.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4074 of the Revised Statutes of Ohio be so amended as to read as follows:

SEC. 4074. No person shall be employed as teacher in a common school who has not obtained from a board of examiners, having competent jurisdiction, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography, English grammar, the history of the United States, including civil government, and possesses an adequate knowledge of the theory and practice of teaching, and, if required to teach other branches, that he or she has requisite qualifications; but persons who desire or are expected to teach only special studies, such as music, drawing, painting, penmanship, gymnastics, German or French, or any one of them, or the primary department in any graded school, may be examined in regard to such study or studies above mentioned, or with special reference to their qualifications to teach in such primary department only, and having obtained a certificate of qualification therein, and of good moral character, may be employed to teach such study or studies, or in such primary department; provided, that after January 1, 1889, no person shall be employed as a teacher in any common school, who has not obtained from such board of examiners a certificate that he or she is qualified to teach physiology and hygiene.

SECTION 2. This act shall take effect and be in force from and after July 1, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 20, 1896.

35G

[House Bill No. 402.]

AN ACT

To make an appropriation for expenses of the general assembly.

Appropriation for expenses general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of seventy thousand (\$70,000) dollars for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employees of the general assembly.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 20, 1896.

36G

[Senate Bill No. 12.]

AN ACT

To amend section 1271 of the Revised Statutes of Ohio, as amended March 8, 1889, as amended March 8, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1271 of the Revised Statutes of Ohio as amended March 8, 1889, as amended March 8, 1893, be hereby amended so as to read as follows:

Prosecuting
attorney:

SEC. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and a second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may appoint two assistant prosecuting attorneys who shall also be assistant court solicitors. And said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county, on the warrant of the county auditor, such sum as the court may approve and order. In Franklin county the judges of the common pleas court residing therein may appoint a first assistant and a second assistant prosecuting attorney. In Lucas county a majority of the judges of the court of common pleas residing therein may appoint an assistant prosecuting attorney. Such assistant prosecuting attorneys shall be appointed as aforesaid only upon the nomination of the prosecuting attorney of such counties, respectively, and shall receive such salary as shall be fixed by the judges appointing them, not exceeding, in Hamilton county, twenty-five hundred dollars to the first assistant or eighteen hundred dollars to the second assistant; and not exceeding, in Cuyahoga county, twenty-five hundred dollars nor less than two thousand dollars per annum; and not exceeding, in Franklin county, two thousand dollars per annum to the first assistant prosecuting attorney or twelve hundred dollars per annum to the second assistant prosecuting attorney; and not exceeding, in Lucas county, eighteen hundred dollars per annum to the assistant prosecuting attorney. Such salary shall be paid out of the treasury of the respective counties on the warrant of the auditor of such county. The term of appointment for such assistant prosecuting attorneys and such second assistant prosecuting attorneys shall be one year from and after the day of appoint-

Assistants in
Hamilton, Cuya-
hoga, Franklin
and Lucas coun-
ties; appoint-
ment.

Salary

Term.

ment, and when there is a vacancy the appointing judge or judges may renew the appointment as hereinbefore provided.

Repeals.

SECTION 2. Said section 1271, as amended March 8, 1893, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

37G

[Senate Bill No. 40.]

AN ACT

To amend section 1 of an act entitled "An act to apportion the state of Ohio into congressional districts under the eleventh census of the United States, and to repeal an act of the general assembly of the state of Ohio, passed 1890," passed March 31, 1892.

**Congressional
districts:**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to apportion the state of Ohio into congressional districts under the eleventh census of the United States, and to repeal an act of the general assembly of the state of Ohio, passed 1890," passed March 31, 1892, be amended so as to read as follows:

**Congressional
apportionment.**

SEC. 1. That the state of Ohio shall be divided into twenty-one districts for the election of representatives to congress, and each district shall choose one representative in the manner following, to wit:

First District—That so much of the county of Hamilton as is now contained within the limits of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 18th, 26th and 27th wards of the city of Cincinnati, as they are now constituted, and the townships of Anderson, Columbia, Spencer, Symmes and Sycamore, and Avondale, and the Northeast, Southeast, St. Bernard, Bond Hill and Clifton precincts of Millcreek township shall compose the first district.

Second District—The remaining portion of the county of Hamilton now contained within the limits of the 12th, 13th, 14th, 15th, 16th, 17th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 28th, 29th and 30th wards of the city of Cincinnati, as they are now constituted, and the townships of Springfield, Colerain, Greene, Delhi, Storrs, Miami, Whitewater, Harrison and Crosby, and Elmwood, College Hill, Winton Place and Western precincts of Millcreek township shall compose the second district.

Third District—The counties of Preble, Butler and Montgomery shall constitute the third district.

Fourth District—The counties of Darke, Shelby, Mercer, Auglaize and Allen shall compose the fourth district.

Congressional
apportionment.

Fifth District—The counties of Williams, Defiance, Henry, Paulding, Putnam and Van Wert shall compose the fifth district.

Sixth District—The counties of Greene, Warren, Clinton, Highland, Brown and Clermont shall compose the sixth district.

Seventh District—The counties of Miami, Clark, Madison, Fayette and Pickaway shall compose the seventh district.

Eighth District—The counties of Hancock, Hardin, Logan, Champaign, Union and Delaware shall compose the eighth district.

Ninth District—The counties of Lucas, Ottawa, Wood and Fulton shall compose the ninth district.

Tenth District—The counties of Pike, Jackson, Gallia, Lawrence, Adams and Scioto shall compose the tenth district.

Eleventh District—The counties of Meigs, Athens, Vinton, Ross, Hocking and Perry shall compose the eleventh district.

Twelfth District—The counties of Franklin and Fairfield shall compose the twelfth district.

Thirteenth District—The counties of Erie, Sandusky, Seneca, Crawford, Wyandot and Marion shall compose the thirteenth district.

Fourteenth District—The counties of Lorain, Huron, Ashland, Richland, Morrow and Knox shall compose the fourteenth district.

Fifteenth District—The counties of Washington, Morgan, Noble, Muskingum and Guernsey shall compose the fifteenth district.

Sixteenth District—The counties of Carroll, Jefferson, Harrison, Belmont and Monroe shall compose the sixteenth district.

Seventeenth District—The counties of Wayne, Holmes, Coshocton, Tuscarawas and Licking shall compose the seventeenth district.

Eighteenth District—The counties of Stark, Columbiana and Mahoning shall compose the eighteenth district.

Nineteenth District—The counties of Ashtabula, Trumbull, Geauga, Portage and Summit shall compose the nineteenth district.

Twentieth District—The counties of Lake and Medina and that portion of Cuyahoga county composed of the townships of East Cleveland, Bedford, Chagrin Falls, Euclid, Independence, Mayfield, Newburg, Orange, Solon, Warrensville, Brecksville, Brooklyn, Dover, Middleburg, Olmsted, Parma, Rockport, Royalton and Strongville, and wards 26th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th,

Congressional
apportionment.

38th, 39th, 40th, 41st and 42d, as constituted January 1, 1896, in the city of Cleveland, shall compose the twentieth district.

Twenty-first District—The remaining portion of Cuyahoga county shall compose the twenty-first district.

Repeals, etc.

SECTION 2. That said original section 1 be and the same is hereby repealed and this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896. 38G

[Senate Bill No. 81.]

AN ACT

To supplement section 4889 of the Revised Statutes.

Repair of im-
proved roads:

SECTION 1. *Be it enacted by the General Assembly [of the State of Ohio]*, That section 4889a be enacted supplementary to section 4889 of the Revised Statutes as follows:

Certain repairs
in Pickaway
county.

SEC. 4889a. In Pickaway county, the county commissioners shall repair all embankments or levees, on which a free turnpike road is located, which have been constructed to prevent all overflows and inundations of said free turnpike, when the estimated cost of repairing the same shall exceed five hundred dollars and the expenses of repairing such embankments or levees, or free turnpikes constructed thereon, shall be paid out of the money raised by taxation for road or bridge purposes in said county.

SECTION 2. This act shall take effect from and after its passage.

D. L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896. 39G

[House Bill No. 175.]

AN ACT

To supplement section 3951 of the Revised Statutes of Ohio as amended March 20, 1891.

School funds:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891, be supplemented as follows:

SEC. 3951a. For the purpose of affording adequate support to the Ohio university and to the Miami university, there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute the "Ohio and Miami university fund." The rate of such levy shall be designated by the general assembly at least once in two years, and if the general assembly shall fail to designate the rate for any year, the same shall be for the said "the Ohio and Miami university fund" three one-hundredth (.03) of one mill upon each dollar of valuation of such taxable property. Said Ohio university and Miami university shall admit free of tuition all residents of this state who shall conform to the standards of admissions.

Ohio and Miami
university
fund.

Admission of
pupils.

SEC. 3951b. The said "Ohio and Miami university fund" shall be distributed and paid annually, seven-twelfths (7-12) thereof to the treasurer of the Ohio university upon the order of the president of the board of trustees of said Ohio university, and five-twelfths (5-12) thereof to the treasurer of the Miami university upon the order of the president of the board of trustees of the said Miami university.

Distribution of
fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

40G

[House Bill No. 350.]

AN ACT

Appropriating money to pay deficiencies growing out of the employment of the national guard in 1894, by order of the governor, in aid of the civil authorities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of one hundred and fifty-three thousand six hundred dollars for the purpose of paying the costs and expenses for per diem, transportation and subsistence of the officers and men of the regiments of the national guard called into service by the governor to act in aid of the civil authorities during the disturbances in 1894, the sum thus appropriated having been already approved by the state emergency board; and also to pay the interest as provided in section two hereof, on money advanced to pay such liabilities.

Appropriation
to pay expenses
Ohio national
guard.

Payment of
claims and
interest.

SECTION 2. The auditor of state is hereby authorized and directed to compute and allow interest at the rate of 4 per cent. per annum, on claims for money advanced to pay a portion of such deficiencies, and to issue his warrants on the state treasury for the amount of such liabilities, including interest on money advanced; provided, all claims payable under this act shall be first approved by the governor and adjutant-general.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed February 26, 1896.

41G

[House Bill No. 241.]

AN ACT

To amend section 2690^h as amended March 1, 1894 (O. L., 91, p. 48), and section 2690^j of the Revised Statutes.

Finance and tax-
ation:

Semi-annual de-
tailed and spe-
cific appropria-
tions in Cincin-
nati.

Contingent
fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2690^h and 2690^j of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 2690^h. In all cities of the first grade of the first class, the board of legislation shall make, by the first week of each fiscal half year, detailed and specific appropriations for the several objects for which the city has to provide, apportioned to each month, of the moneys known to be in the treasury, or estimated to come into it during the six months next ensuing, including in their estimate the next semi-annual December collection of taxes and all other sources of revenue, and be careful to provide in their appropriations for every legitimate city expenditure, and to apportion the means fairly and legally among such expenditures; and their action thereon they shall transmit to the board of supervisors for approval, amendment or rejection as they may determine. All expenditures within the following six months shall be made in accordance with and within said appropriations. Balances thereof, or credits remaining over at the end of the year, shall then no longer be open for payment therefrom, and shall be reccredited to the funds from which they were taken; but in making the semi-annual appropriation and apportionment hereby required it shall be the duty of the board of legislation to deduct and set apart, out of the fund for general purposes, the sum of twenty-five thousand dollars as a contingent fund to provide for any deficiency in either of the detailed and specific appropriations, so to be made which may lawfully and by any unforeseen emergency happen, which contingent fund and any part thereof may be expended for any such emergency only by

an ordinance first recommended by the board of administration, passed by the votes of two-thirds of all the members of the board of legislation and approved by the mayor, or in case of his disapproval, upon its passage over his veto, in the manner provided by law.

SEC. 2690j. No liability whatever shall be created against any city of the first grade of the first class, and no expenditures shall be made for the same, except for school and educational purposes as provided for by the boards of education therein, unless it be previously covered by an appropriation sanctioned both by the board of supervisors and board of legislation and common council as above provided, except from the contingent fund of twenty-five thousand dollars herein provided for; and any taxes levied for any purpose whatever, except for schools and educational purposes, as provided for by the boards of education therein in such city without the concurrence of the board of supervisors and board of legislation, as herein provided, shall be void; and all laws and parts of laws conflicting with the provisions of this act are hereby repealed. Any attempt to create a liability against any such city contrary to the provisions of this act shall be null and void.

Validity of certain liabilities and tax levies in Cincinnati.

SECTION 2. That the present sections 2690h and 2690j of the Revised Statutes, be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
Passed February 27, 1896. 42G

[House Bill No. 260.]

AN ACT

Supplementary to an act entitled "An act to amend sections 1708a, 1709a and 1713 of the Revised Statutes of Ohio," passed April 20, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 1709a of the Revised Statutes (91, O. L.), with sectional numbering as herein provided:

Officers of cities:

SEC. 1709b. In cities of the first grade of the first class, the term of office of the mayor, auditor, treasurer, corporation counsel, police judge, prosecuting attorney and clerk of the police court, shall commence on the first Monday in July after their election or appointment; and the term of office of the above officers at the time of the passage of this act shall be extended to the first Monday of July following the expiration of their present term.

Commencement of term of certain officers in Cincinnati.

Extension of term of incumbents.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed February 27, 1896.

43G

[House Bill No. 76.]

AN ACT

To regulate the practice of medicine in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4403, Revised Statutes of Ohio, be amended so as to read as follows:

Physicians:

State board of medical registration and examination; appointment, term and qualifications of members.

Election, qualifications and term of officers.

Bond of treasurer.

Salary and expenses of secretary.

Compensation and expenses of members.

Seal; rules; power to administer oaths; meetings; quorum.

Record of proceedings; register of applicants; value as evidence.

SEC. 4403. Within thirty days after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint a state board of medical registration and examination, consisting of seven members, one to serve for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years, and the successors of each for the term of seven years, who shall be physicians in good standing in their profession, representation to be given to schools of practice in the state as nearly as possible in proportion to their numerical strength in the state, but no one school to have a majority of the whole board. The board shall organize by electing a president and a treasurer, who shall be members of the board, and a secretary, who shall be a physician in good standing in his profession, each to serve for the term of one year. The treasurer shall give a bond in the sum of ten thousand dollars, with sureties approved by the board, for the faithful discharge of his duties. The secretary shall receive a salary of not exceeding fifteen hundred dollars per annum, to be fixed by the board, and his necessary expenses in performing his official duties. The members of the board shall each receive ten dollars per day for the time actually employed in the discharge of their duties and their necessary expenses while engaged therein. The board shall have a common seal, and shall formulate rules to govern its action. Its president and secretary shall have the power to administer oaths. The board shall meet in Columbus on the first Tuesday of January, April, July and October of each year, and at such other times as the board may appoint. Five members shall constitute a quorum. The board shall keep a record of all its proceedings, and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of doctor of medicine or surgery, and also whether the applicant was rejected or a certificate granted. The books and register of the board shall be prima facie evidence of all matters recorded therein.

SECTION 2. That section 4403 of the Revised Statutes be further supplemented by supplementary sections 4403c, 4403d, 4403e, 4403f and 4403g, as follows:

SEC. 4403c. No person shall practice medicine, surgery, or midwifery, in any of its branches, in this state, without first complying with the requirements of this act. If a graduate in medicine or surgery, he shall, either personally, or by letter or proxy, present his diploma to the state board of medical registration and examination for verification. Accompanying such diploma the applicant shall file his affidavit, duly attested, stating that the applicant is the person named in the diploma and is the lawful possessor of the same, and giving his age and the time spent in the study of medicine. If the board shall find the diploma to be genuine, and from a legally chartered medical institution in good standing, as determined by the board, and the person named therein be the person holding and presenting the same, the board shall issue its certificate to that effect, signed by its president and secretary, which, when left with the probate judge for record as hereinafter required, shall be conclusive evidence that its owner is entitled to practice medicine or surgery in this state. If a legal practitioner of medicine under the laws of Ohio in force at the time of the passage of this act, but not a graduate of medicine or surgery, as above defined, he shall, either personally, or by letter or proxy, furnish the board an affidavit, duly attested, stating the period during which and the places at which he has been engaged in the practice of medicine or surgery. If the board is satisfied from the affidavit and other information received that the applicant was a legal practitioner of medicine in Ohio at the time of the passage of this act, it shall issue its certificate to that effect, which, when left with the probate judge for record, shall be conclusive evidence that its owner is entitled to practice medicine or surgery in this state. If engaged in the practice of medicine in this state at the time of the passage of this act, but not a legal practitioner under the laws in force at such time, nor a graduate in medicine or surgery as above defined, he shall present himself before the board and submit to such examination as to his qualifications for the practice of medicine or surgery as the board may require. If such applicant passes an examination satisfactory to the board, the board shall issue its certificate to that effect, which, when left with the probate judge for record, shall entitle the owner to practice medicine or surgery in Ohio for a period of one year next ensuing from the date thereof. The board may refuse to grant a certificate to any person guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery; and may after notice and hearing, revoke a certificate for like cause. An appeal may be taken from the action of the board refusing to grant or revoking a certificate for such cause, to the governor and attorney-general, [and] the decision of

Requirements for practice of medicine, surgery or midwifery: If graduate in medicine or surgery.

Certificate.

If legal practitioner but not graduate.

Certificate.

If neither legal practitioner nor graduate.

Certificate.

Refusal or revocation of certificate.

Appeal.

Period granted present practitioners for compliance.	which officers, either affirming or overruling the action of the state board, shall be final. All persons engaged in the practice of medicine or surgery in this state at the time of the passage of this act may continue in such practice for a period of ninety days after this law takes effect in order to permit them to apply for and obtain the certificate above required. An affirmative vote of not less than five members shall be required to authorize the issuance or revocation of a certificate. The fee for a certificate issued upon the verification of a diploma or to a legal practitioner as above defined, shall be five dollars. For the examination of an applicant, the fee shall be twenty-five dollars. In the latter case the fee shall not be returned in the event of a failure, but the applicant may, within a year after such failure, present himself and be examined again without the payment of an additional fee. All fees shall be paid in advance to the treasurer of the board and by him covered into the state treasury to the credit of a fund which is hereby appropriated for the use of the state board of registration and examination. The compensation and expenses of members and officers of the board, and all expenses proper and necessary in the opinion of the board to discharge its duties under and enforce the law, shall be paid out of said fund upon the warrant of the auditor of state, issued upon requisitions signed by the president and secretary of the board.
Vote for issuance or revocation of certificate: fee for certificate or examination.	
Fund for use of board.	
Payment of compensation and expenses.	
Recording of certificate.	SEC. 4403d. The person receiving a certificate to practice medicine or surgery under section 4403c shall, before entering upon the practice, leave his certificate with the probate judge of the county in which he resides, for record. The probate judge shall record the same in a book to be kept for that purpose, and endorse on the margin of the record and on the certificate the time he received the same for record, and make a proper index to all certificates by him recorded. The probate judge shall note in the margin of the record the revocation of a certificate, or any change in the location or death of the owner of a certificate. Upon application, the probate judge shall make out a certified copy of any such certificate and the indorsements thereon, and such certified copy shall be prima facie evidence of all matters and facts therein contained. Between the first and thirty-first days of December in each year, the probate judge shall furnish the secretary of the state board a list of all certificates recorded and in force, and also a list of all certificates which have been revoked or the owners of which have removed from the county, or died during the preceding year. In case of a change of residence, the owner of a certificate shall have the same recorded anew by the probate judge of the county into which he removes. For services under this section the probate judge shall receive the following fees: For recording and indexing each certificate, fifty cents, and for certified copies, the same fees as are allowed by law for copies and certificates of records kept by the probate judge, to be paid by the holder of the certificate
Noting of revocation, change or death.	
Certified copy of certificate; value as evidence.	
Annual list of certificates.	
Recording in case of removal.	
Fees of probate judge.	

SEC. 4403c. Every person practicing midwifery in this state at the time of the passage of this act, shall within ninety days thereafter file with the probate judge of the county in which she resides, an affidavit duly attested, giving her name, age, residence, the length of time during which and the place or places at which she has been engaged in said practice, and the special education, if any, which she has received to fit her for such practice. Thereupon, upon payment of a fee of five dollars (fifty cents of which the probate judge shall retain as his own fee, and the balance remit to the treasurer of the state board of registration and examination), the probate judge shall issue a certificate, upon a blank form furnished by the state board, which shall entitle the applicant and holder to practice midwifery in this state. Such certificates shall be recorded by the probate judge, and in case of a transfer of residence, again recorded in the county to which the midwife removes, as provided by section 4403d, regulating the record of physicians' certificates. The probate judge shall, annually, between the first and thirty-first days of December furnish the secretary of the state board a list of all such certificates issued and in force, and also a list of all such certificates which have been revoked or the owners of which have removed from the county, or died during the preceding year. All persons desiring, after the passage of this act, to enter upon the practice of midwifery in this state, shall appear before the state board and submit to such examination in midwifery as the board shall require. If the applicant passes a satisfactory examination, the board shall, upon the payment of a fee of ten dollars, issue its certificate to that effect, which, when filed with the probate judge for record, as provided in section 4403d, shall entitle the owner and holder thereof to practice midwifery in this state. A certificate to practice midwifery may be refused or revoked for the same causes in the same manner as provided in section 4403c in the case of certificates to physicians and surgeons. The certificate granted to practice midwifery shall not give the holder the right to perform version, or treat breech or face presentation, or do any obstetric operation requiring instruments, or to treat any other abnormal condition, except in emergencies.

Affidavit required of present practitioners of midwifery.

Certificate and fee therefor.

Recording of certificate.

Annual list of certificates.

Examination of applicants.

Certificate and fee therefor.

Refusal or revocation of certificate.

Right to treat abnormal condition.

SEC. 4403f. Any person shall be regarded as practicing medicine or surgery within the meaning of this act who shall append the letters M. D. or M. B. to his name, or for a fee prescribe, direct or recommend for the use of any person, any drug or medicine or other agency for the treatment, cure or relief of any wound, fracture or bodily injury, infirmity or disease; provided, however, that nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of family remedies; and this act shall not apply to any commissioned medical officer of the United States army, navy or marine hospital service in the discharge of his professional duties, nor to any legally qualified dentist when engaged exclusively in the

Who regarded as practicing medicine or surgery.

Emergencies or family remedies.

To whom act inapplicable.

practice of dentistry, nor to any physician or surgeon from another state or territory, who is a legal practitioner of medicine or surgery in the state or territory in which he resides, when in actual consultation with a legal practitioner of this state, nor to any physician or surgeon residing on the border of a neighboring state, and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends into the limits of this state; providing that such practitioner shall not open an office or appoint a place to meet patients or receive calls, within the limits of this state.

Penalty for unlawfully practicing medicine, surgery or midwifery.

Penalty for filing diploma or certificate of another, false affidavit of identity or perjury.

Disposition of fines.

Enforcement of act; prosecutions.

Repeals, etc.

SEC. 4403g. Any person practicing medicine or surgery as defined in section 4403f in this state, without having first complied with the provisions of sections 4403c and 4403d, except as [t]herein provided, shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or both. Any person practicing midwifery in this state without having complied with the provisions of section 4403c, except as therein provided, shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars nor more than one hundred dollars. Any person who shall file, or attempt to file as his own, the medical diploma or certificate to practice of another, or shall file or attempt to file, a false[,] forged affidavit of his identity, or shall wilfully swear falsely to any question which may be propounded to him on his medical examination, or to any affidavit required to be made or filed by him, with the state board of medical registration and examination, shall be guilty of a felony and be imprisoned in the penitentiary not more than five years nor less than one year. Such fines when collected shall be paid, one-third to the person, corporation or medical society making the complaint or furnishing the information, one-third to the poor fund of the county, and one third to the state board of medical registration and examination. The secretary of the state board of medical registration and examination is charged with the duty of enforcing this act. If he have knowledge or notice that the act has been or is being violated, he shall investigate the matter, and upon probable cause appearing, shall file a complaint and prosecute the offender. It shall be the duty of the prosecuting attorney, when requested by such secretary, to take charge of and conduct such prosecutions.

SECTION 3. Original sections 4403 and 6992 are hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 27, 1896.

44G

[House Bill No. 129.]

AN ACT

To amend section 6964 of the Revised Statutes, as passed April 6, 1882 (vol. 79, p. 74).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6964 be amended so as to read as follows:

Offenses against public policy:

SEC. 6964. Whoever purchases, sells, exposes for sale, or has in his possession any of the birds, game, or animals, mentioned in section sixty-nine hundred and sixty, sixty-nine hundred and sixty-one, and sixty-nine hundred and sixty-three, during the time when the killing thereof is made penal, shall be fined not exceeding twenty-five dollars nor less than two dollars, or imprisoned not more than thirty days or both; provided that the provisions of this act shall not be construed as applicable to any common carrier into whose possession any of the birds, game or animals herein mentioned shall come into the regular course of their business for transportation, whilst they are in transit through this state where the killing of said birds, game or animals shall be lawful, but nothing in the provisions of this act shall prevent any one having in his possession wild deer during the time when the killing thereof is made penal.

Penalty for purchasing, selling, exposing for sale or having in possession birds, game or animals killed in violation of law.

Common carrier.

Wild deer.

SECTION 2. Said original section 6964 is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 27, 1896.

45G

[House Bill No. 208.]

AN ACT

To amend section 2678 of the Revised Statutes of Ohio, as amended May 8, 1894 (O. L., vol. 91).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2678 of the Revised Statutes of Ohio as amended May 8, 1894 (O. L., vol. 91), be so amended as to read as follows:

Law libraries:

SEC. 2678. The judges of the court of common pleas of a county containing a city of the first class, or of the first or second grade of the second class, or of the second class, third grade *a* in which there now is or may hereafter be a law library association which furnishes to all the county officers and the judges of the several courts in such county admission to its library, and the use of its books free of charge,

Compensation of librarian in certain counties.

shall, upon the appointment by the trustees of such association of a person to act as librarian thereof, fix the compensation of such librarian, which shall be paid out of the county treasury.

Repeals

SECTION 2. That said section 2678, as amended May 8, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 27, 1896. 46G

[Senate Bill No. 20.]

AN ACT

To amend an act passed April 3, 1888, entitled "An act to give preference of appointment or employment to honorably discharged soldiers and sailors and marines, who fought for the union in the war of the rebellion."

Preference in
appointment
and employment
in public
service.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act of April 3, 1888, be so amended as to read as follows: That in every public department, and all public departments in all municipal corporations, and upon all public works of the state of Ohio, honorably discharged union soldiers, sailors and marines of the late rebellion, shall be preferred for appointment and employment; age, loss of limb or other physical impairment, which does not, in fact, incapacitate, shall not be deemed to disqualify them; provided, however, that the applicant shall have been a resident of the county in which the office or position is located, for at least one year, and possesses the other requisite qualifications.

Penalty for violation.

SECTION 2. Any violation of the provisions of this act shall be deemed a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00).

Repeals, etc.

SECTION 3. That the act of April 3, 1888, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 3, 1896. 47G

[Senate Bill No. 67.]

AN ACT

To prevent fraud in the manufacture and sale of imitations of cheese or substitutes for cheese and to regulate the branding of cheese in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than ten per cent. of pure butter fat, shall have the words "skimmed cheese" stamped, labeled, or marked, in printed letters of plain, uncondensed gothic type, not less than one inch in length, so that the words can not easily be defaced, and upon the side of every cheese, cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box, or package containing any of said article, substance, or compound. And in case of retail sales of any of said article, substance, or compound, not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese," or "skimmed cheese" as the case may be in printed letters of plain, uncondensed gothic type, not less than one inch in length.

Branding of
"filled cheese"
and "skimmed
cheese" re-
quired.

SECTION 2. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section 1 of this act, and whoever with intent to deceive, defaces, erases, cancels, or removes any mark, stamp, brand, label or wrapper provided for in said section, or in any manner shall falsely label, stamp, or mark any box, tub, article, or package marked, stamped, or labeled as aforesaid, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for
traffic in viola-
tion of preced-
ing section, in-
tentional decep-
tion, etc.

SECTION 3. Whoever, by himself or his agents, sells or offers for sale, to any person who asks, sends, or inquires for cheese, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese,

Penalty for sell-
ing or offering
imitation or sub-
stitute when
cheese called for.

not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not less than ten per cent. pure butter fats shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Penalty for selling or offering imitation or substitute without proper brands and placard.

SECTION 4. Whoever, by himself or his agents, sells or offers for sale, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by this act, and not having in addition thereto upon the exposed contents of every opened tub, box, or parcel thereof, a conspicuous placard with the words "filled cheese" or "skimmed cheese" as the case may be printed thereon in plain, uncondensed letters, not less than one inch long, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Posting of placard at place of business.

SECTION 5. Whoever, by himself or his agents, sells "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, from any dwelling, store, office or public mart, shall have conspicuously posted thereon the placard or sign, in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here" as the case may be. Any person neglecting or failing to post the placard herein provided for shall be punished by a fine of one hundred dollars for the first offense, and by a fine of one hundred dollars for each day's neglect thereafter.

Penalty for failure.

Penalty for failure to placard sides of vehicle.

SECTION 6. Whoever, by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon or other vehicle, upon the public streets or ways, "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not having on both sides of said cart, wagon, or other vehicle, the placard in uncondensed gothic letters not less than three inches in length, "filled cheese" or "skimmed cheese," shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the

county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

SECTION 7. Whoever, by himself or his agents, furnishes, or causes to be furnished, in any hotel, restaurant, or [at] any lunch-counter "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, to any guest or patron of said hotel, restaurant, or lunch-counter, in the place or stead of cheese, shall notify said guest or patron that the substance so furnished is not cheese, and any person so furnishing without said notice, shall be punished by a fine of not less than ten nor more than fifty dollars for each offense.

Notice to guest or patron of hotel, restaurant or lunch-counter.

Penalty for failure.

SECTION 8. Every manufacturer of full milk cheese may put a brand upon each cheese so manufactured indicating "full milk cheese," with the date and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall procure and issue to the cheese manufacturers of the state, upon proper application, which application shall be made on or before the first day of April, 1896, and on or before the first day of April, of each year thereafter, and under such regulations as to the custody and use thereof, as he may describe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese-cloth or band around the same, and upon the box or package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the brand, and the name or names of the person or persons in each factory authorized to use the same. No such brand shall be used upon any other but full cream cheese or packages containing the same; provided, that nothing in this section shall be construed to prohibit the manufacture and sale of pure skimmed cheese made from milk that is clean, pure, healthy, wholesome, and unadulterated except by skimming. The commissioner shall receive a fee of one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration. Whoever, by himself or his agents, violates any of the provisions of this section, shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county

Branding of "full milk cheese."

Brand for "Ohio state full cream cheese."

Register of users.

Restriction upon use; "pure skimmed cheese."

Fee for registration.

Penalty for violation of section.

jail not less than twenty nor more than sixty days, or both for each subsequent offense.

What "person" includes.

SECTION 9. The word "person" as used in this act, shall include persons, corporations and companies.

Repeals, etc.

SECTION 10. An act entitled "An act to regulate the branding of cheese in the state of Ohio, and to prevent fraud in its manufacture and sale," as passed May 19, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 3, 1896.

48G

[Senate Bill No. 113.]

AN ACT

To amend section 6816 of the Revised Statutes of Ohio, as passed March 13, 1894 (O. L., vol. 91, p. 61).

Crimes against the person:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6816 of the Revised Statutes of Ohio as passed March 13, 1894 (O. L., vol. 91, p. 61), be amended so as to read as follows:

Rape.

SEC. 6816. Whoever has carnal knowledge of a female person, forcibly and against her will, or, being eighteen years of age, carnally knows and abuses a female person under sixteen years of age, with her consent, is guilty of rape.

Repeals.

SECTION 2. That said section 6816 of the Revised Statutes, as passed March 13, 1894 (O. L., vol. 91, p. 61), be, and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 3, 1896.

49G

[House Bill No. 47.]

AN ACT

To regulate the sale of goods marked "sterling," "sterling silver," "coin" or "coin silver."

Penalty for manufacture or sale of goods improperly marked "sterling," "sterling silver," "silver" or "solid silver."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of any article of merchandise marked, stamped, or branded with the words "sterling," or "sterling silver," or incased or inclosed in any box, package, cover

or wrapper or other thing in, by or which the said article is packed, inclosed, or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such stamping, branding, engraving or printing, that such article is silver, sterling silver or solid silver, unless nine hundred and twenty-five one-thousandths part of the component parts of the metal of which said article is manufactured is pure silver, is guilty of a misdemeanor, and be fined in any sum not exceeding one hundred (\$100.00) dollars.

SECTION 2. A person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the word "coin," or "coin silver," or encased or inclosed in any box, package, cover or wrapper or other thing in, by or which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is coin or coin silver, unless nine hundred one-thousandths part of the component parts of the metal of which the said article is manufactured is pure silver, is guilty of a misdemeanor; and be fined in any sum not exceeding one hundred (\$100.00) dollars.

Penalty for manufacture or sale of goods improperly marked "coin" or "coin silver."

SECTION 3. To take effect on and after the first day of July, 1896.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

50G

[House Bill No. 118.]

AN ACT

To amend section 6942 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6942 of the Revised Statutes be amended so as to read as follows:

Offenses against public policy:

SEC. 6942. A keeper of a place where intoxicating liquors are sold in violation of law shall be fined not more than one hundred nor less than fifty dollars, or imprisoned not more than thirty nor less than ten days, or both; and upon conviction of such keeper, the place where such liquor is sold shall be deemed to be a common nuisance, and the court shall order him to shut up and abate the same, unless he make it appear to the court that he does not then sell liquor therein in violation of law, or gives bond, payable to the state of Ohio, in the sum of one thousand dollars, with sureties to the acceptance of the court, that he will not sell

Penalty for keeping place where intoxicating liquors sold in violation of law.

Abatement of such place as nuisance, unless, etc.

Giving away,
etc., deemed un-
lawful sale.

liquor therein in violation of law, and will pay all fines, costs and damages assessed against him for violation of the laws relating to the sale of intoxicating liquor; and the giving away of intoxicating liquor, or other shift or device to evade the provisions of this section, shall be deemed and held to be unlawful selling.

Repeals, etc.

SECTION 2. Said original section 6942 is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

51G

[House Bill No. 167.]

AN ACT

To authorize the election of one additional judge of the court of common pleas in the third subdivision of the second judicial district.

Additional
judge in third
subdivision of
second district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* Two-thirds of all the members elected to each branch thereof concurring, that there shall be one additional judge of the court of common pleas in and for the second judicial district, who shall reside in the third subdivision thereof, and who shall be elected by the qualified electors of the counties of Clinton, Greene, Montgomery and Warren, such counties comprising said third subdivision, and such additional judge shall be in addition to the other additional judges of said court residing, and to reside, in said third subdivision, and heretofore provided for by law.

First election
and term of
office.

SECTION 2. That the first election of such additional judge shall be held on the first Tuesday after the first Monday of November, 1896, and he shall be elected for the term of five years, commencing on the fourth Monday of November, 1896.

Jurisdiction,
powers, duties
and penalties.

SECTION 3. That such additional judge provided for by this act, when elected and qualified, shall in every respect have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties as are now or hereafter may be enforced or enjoined by the constitution and laws of the state of Ohio upon the judges of the court of common pleas.

Vacancy caused
by death, resig-
nation, etc.

SECTION 4. That any vacancy that may occur in the office of such additional judge by death, resignation or otherwise shall be filled as in cases of vacancy in the office of the other judges of the court of common pleas, and every five years after the said first election of such additional

Election of suc-
cessor.

judge, his successor shall in like manner be elected for the same term of office as is provided for by the constitution and laws of the state of Ohio for the election of other judges of the court of common pleas.

SECTION 5. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

52G

[House Bill No. 301.]

AN ACT

To provide for the refunding of certain outstanding bonds and certificates of indebtedness of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the sinking fund, for the purpose of refunding the bonds of the permanent debt of this state, amounting to two hundred and fifty thousand (\$250,000) dollars, falling due July 1, 1896, and the bonds of the permanent debt of this state, amounting to two hundred and fifty thousand (\$250,000) dollars, falling due July 1, 1897, be and they are hereby authorized and empowered to issue the bonds of this state, bearing interest at the rate of not exceeding three per cent. per annum, payable semi-annually on the first day of January and the first day of July of each and every year, to the amount of five hundred thousand (\$500,000) dollars, two hundred and fifty thousand (\$250,000) dollars of such refunding bonds to be issued in the year 1896 and made payable July 1, 1901, and two hundred and fifty thousand (\$250,000) dollars thereof to be issued in the year 1897 and made payable July 1, 1902; the proceeds of such bonds to be placed to the credit of the sinking fund and the bonds themselves to be payable, interest and principal, out of the sinking fund.

State refunding
bonds.

SECTION 2. For the purpose of refunding and extending the time of payment of certificates of indebtedness of the temporary loan of the state amounting to two hundred and fifty thousand (\$250,000) dollars, falling due July 1, 1896, the commissioners of the sinking fund are hereby authorized and empowered to issue the certificates of indebtedness of this state, bearing interest at the rate of not exceeding three per cent. per annum, payable semi-annually on the first day of January and the first day of July of each and every year, to the amount of two hundred and fifty thousand (\$250,000) dollars, payable July 1, 1897; the proceeds of said certificates of indebtedness to be placed to the credit of the sinking fund, and used for the payment of two

State refunding
certificates of
indebtedness.

hundred and fifty thousand (\$250,000) dollars in amount of the five hundred thousand (\$500,000) dollars of certificates of indebtedness, falling due July 1, 1896; the certificates of indebtedness issued under this act to be payable, interest and principal, out of the sinking fund.

SECTION 3. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

53G

[House Bill No. 372.]

AN ACT

To amend section 4044 of the Revised Statutes.

Treasurer of
school funds:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4044 of the Revised Statutes be so amended as to read as follows:

Annual settle-
ment by treas-
urer with coun-
ty auditor.

SEC. 4044. The treasurer shall, annually, within the first ten days of September, settle with the county auditor for the preceding school year, and for that purpose shall make a certified statement showing the amount of money received, from whom, and on what account, and the amount paid out, and for what purpose; he shall produce vouchers for all payments made; if the auditor, on examination, find the statement and vouchers to be correct, he shall give the treasurer a certificate of the fact, which shall, prima facie, be a discharge of the treasurer for the money paid; and for making such settlement he shall be entitled to receive the sum of one dollar, and also five cents per mile for traveling to and from the county seat, to be paid out of the county treasury, on the order of the county auditor. When the treasurer's term begins on the first day of September the annual settlement shall be made by the outgoing treasurer.

Repeals, etc.

SECTION 2. That section 4044 be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

54G

[Senate Bill No. 21.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio as amended March 20, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3951 of the Revised Statutes of Ohio be amended so as to read as follows:

School funds:

SEC. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of taxable property of the state, which shall be collected in the same manner as other state taxes, and the proceeds of which shall constitute "the state common school fund;" and for the purpose of higher, agricultural and industrial education, including manual training, there shall be levied and collected in the same manner, a tax on the grand list of taxable property of the state, which shall constitute "the Ohio state university fund." The rate of such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year, the same shall be for "the state common school fund," one mill; and for "the Ohio state university fund" one-tenth of one mill, upon each dollar of valuation of such taxable property.

"The state common school fund" and "the Ohio state university fund."

SECTION 2. Said section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891, is hereby repealed, and this act shall take effect from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 9, 1896.

55G

[Senate Bill No. 25.]

AN ACT

To amend section 568, as amended, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 568, as amended, of the Revised Statutes of Ohio be amended so as to read as follows:

Justices of the peace:

SEC. 568. When it is made to appear to the satisfaction of the probate judge of the proper county, that there is not a sufficient number of justices of the peace in any township thereof, and, also, that public notice had been given in such township that application would be made for an additional number of justices of the peace, the court is authorized to add one or more justices to such township, as seems just and proper, and the trustees shall give notice to

Increase or decrease in number in township.

When part of
township
attached to an-
other; Hamil-
ton and Cuya-
hoga counties.

the electors of such township to elect such justice or justices so added, agreeably to the provisions of section five hundred and sixty-seven (567); and when it is made to appear to the court aforesaid, that it is expedient to decrease the number of justices in any township, the court is authorized to restrict the number as it judges proper; but no justice may be deprived of his commission until the expiration of the term for which he was elected; and except in counties containing a city of the first grade of the first class and except in counties containing a city of the second grade of the first class, if a part of any township is attached to any other township, justices of the peace residing within the limits of that part of the township so attached as aforesaid, shall execute the duties of their office in the township to which the same is attached, in the same manner as if they had been elected for such township.

Repeals, etc.

SECTION 2. Said section 568, as amended (91, O. L., p. 78), is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 9, 1896.

56G

[Senate Bill No. 73.]

AN ACT

To amend section 2507 of "An act to amend and re-enact sections 2506, 2507, 2508, 2509 and 2510 of the Revised Statutes, and repeal acts inconsistent therewith," as enacted January 30, 1894 (91 O. L., p. 7).

Cincinnati
parks and pub-
lic fountains:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2507 as amended and re-enacted by "An act to amend and re-enact sections 2506, 2507, 2508, 2509 and 2510 of the Revised Statutes, and to repeal acts inconsistent therewith" (91, O. L., p. 7), be so amended as to read as follows:

Contracts and
rules.

SEC. 2507. The board shall have power to make contracts for the improvement of the grounds, the erection of the necessary structures thereon, and to adopt rules for the protection, care and government of the parks and public fountains under its charge, and such rules shall have the same effect and may be enforced by the same penalties as ordinances of the city.

Repeals.

SECTION 2. That section 2507, as amended and re-enacted by an act entitled "An act to amend and re-enact sections 2506, 2507, 2508, 2509 and 2510 of the Revised Statutes, and to repeal acts inconsistent therewith" (91, O. L., p. 7), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 9, 1896.

57G

[Senate Bill No. 38.]

AN ACT

To amend section 3175 of the Revised Statutes of Ohio, and section 3176 of the Revised Statutes of Ohio, as amended March 9, 1882 (O. L. 79, p. 31), and section 3177, as amended March 29, 1893 (90 O. L., p. 129).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3175, 3176 and 3177 of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 3175. All such bonds, notes, bills and checks, payable at a day certain after date, or after sight, shall be deemed due and payable on the day mentioned for the payment of the same, without days of grace being allowed thereon, except that when such day mentioned be upon the first day of the week or a legal holiday, then the day of payment shall be upon the next succeeding business day; and it shall not be necessary to protest for non-acceptance any check, bill of exchange or draft, appearing on its face to have been drawn on any bank, banker, broker, exchange broker or banking company, payable on a specific day or any number of days after the date of sight or the date thereof, nor to give notice of non-acceptance to the drawer or indorser thereof.

SEC. 3176. The demand of payment from the maker of any such bond or note, or the drawee of any such bill of exchange or check upon the day mentioned for payment as above provided, and notice of non-payment thereof to the indorser of any such instrument, and the drawer of any such bill or check within a reasonable time thereafter, shall be adjudged due diligence unless the endorsement express in writing other conditions; and in any town or city having a system of postal collection and delivery by carriers, notice of non-acceptance or non-payment of any negotiable instruments may be given by mail to any drawer or indorser thereof, resident of such town or city and entitled to such notice, in the manner now authorized for service by mail in other cases.

SEC. 3177. The following days, viz.: The first day of January, fourth day of July, the twenty-fifth day of December, twenty-second day of February, thirtieth day of May, first Monday of September of each year, and any day

Negotiable instruments:

Instruments due and payable on day specified, without grace; legal holiday.

Protest of check, bill or draft on bank or notice of non-acceptance unnecessary.

Due diligence in demand of payment and notice of non-payment.

Notice by mail.

What days regarded as holidays.

appointed and recommended by the governor of this state, or the president of the United States as a day of fast or thanksgiving, or any day which may hereafter be made a legal holiday, shall for all purposes whatsoever of payment, presentment for payment, or acceptance, and the protesting or the giving of notice of non-acceptance or of non-payment of all such instruments, be considered as a first day of the week; but if the first day of January, fourth day of July, the twenty-fifth day of December, twenty-second day of February, or the thirtieth day of May be on the first day of the week, the succeeding Monday for the same purposes shall be considered as the first day of the week.

Repeals.

SECTION 2. That said section 3175 of the Revised Statutes of Ohio, and section 3176 of the Revised Statutes of Ohio, as amended March 9, 1882, and section 3177 Revised Statutes of Ohio as amended March 29, 1893, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of September, 1896.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 12, 1896.

58G

[Senate Bill No. 57.]

AN ACT

To amend section 3821*f* of the Revised Statutes, as passed May 16, 1894, relating to safe deposit and trust companies. (O. L., v. 91, p. 256.)

Safe deposit and
trust companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3821*f* of the Revised Statutes, as passed May 16, 1894 (O. L., v. 91, p. 256), be amended so as to read as follows:

Provisions ap-
plicable to pro-
bate courts in
certain counties.

SEC. 3821*f*. The provisions of section 3821*c*, 3821*d* and 3821*e*, relating to the power of the probate court to appoint any such company to act as executor, administrator, assignee, guardian, receiver or trustee, shall apply only to probate courts in counties containing a city of the first or second grade of the first class or a city of the first or third grade of the second class.

Repeals, etc.

SECTION 2. That said section 3821*f*, as passed May 16, 1894, be, and the same is hereby repealed, and this act shall take effect on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 13, 1896.

59G

[Senate Bill No. 119.]

AN ACT

To authorize the improvement of public roads of townships and streets of villages therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this state, in which no free turnpikes have been constructed or are in course of construction, shall, when the petition of one hundred or more of the taxpayers of such township, including any village therein is presented to them praying for the improvement of the public roads and streets of such township and village, submit the question of the improvement of said roads and streets to the qualified electors of such township and such village, at the next general election held after the presentation of such petition.

Submission of road and street improvement question to electors of township and village therein.

SECTION 2. The qualified electors of such township and such village shall at said election have submitted the policy of the improvement of its public roads and streets by general taxation. Those voting in favor of such proposition shall have on their ballot, "Road improvement by general taxation—Yes;" and those opposed, "Road improvement by general taxation—No." The township trustees shall cause notice of said election to be published in two newspapers in general circulation if such are printed in said township for at least ten days, and shall also cause handbills, announcing the same, to be posted at the usual places of holding elections, at each precinct in such township at least ten days previous to such election.

Form of proposition and ballot.

Notice of election.

SECTION 3. The trustees of such township shall appoint three judges and two clerks for each precinct therein, who shall conduct such election in like manner as is by law provided for holding other elections, and who shall within three days thereafter return to the clerk of said township a full and correct abstract of the votes cast at such election, and shall be governed in all respects by the laws regulating general elections, and shall receive the same compensation as judges and clerks of other elections, which shall be paid out of the township funds, under the order of the township clerk. The poll-book and abstract so returned to the township clerk, shall within five days thereafter, be opened by the township trustees and clerk and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

Appointment, duties and compensation of judges and clerks; conduct and returns of election.

Canvass of returns and record of result.

SECTION 4. If at such election a majority of the votes cast are against the policy of improving the roads by general taxation, the township trustees shall not assess any taxes for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, including such village, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Result of negative vote.

Resubmission of question.

**Appointment,
qualifications
and term of
commissioners.**

Vacancy.

**Designation of
roads and streets
to be improved.**

**Engineer's
selection and
duties.**

**Oath and non-
compensation of
commissioners.**

**Compensation
of engineer.**

**Order in which
designated
roads and streets
to be improved.**

**Record of pro-
ceedings and
account of re-
ceipts and ex-
penditures.**

**Payments from
treasury.**

SECTION 5. If, at such election a majority be found in favor of the policy of the improvement of the public roads of such township and the streets of such village by general taxation, the trustees of such township shall appoint three freeholders of whom if such township contains a village at least two shall reside within the incorporated limits of such village, as commissioners, who shall serve three years from and after the date of their appointment, and in the event of a vacancy occurring upon such board, from any cause whatsoever, such vacancy shall be filled by appointment for the unexpired term by the trustees. Such commissioners shall designate and determine the established roads of such township and the streets of such village, which shall, in their opinion, be improved. The commissioners shall call to their assistance a competent engineer, who shall make a correct map of such township, plainly showing the established roads of such township and the streets of such village, which have been by such commissioners designated for such improvement; also, profiles of such roads and streets, showing the grade thereof, as they then exist, or have been established, which he shall turn over to the custody of the township clerk.

SECTION 6. The commissioners so appointed shall before entering upon the discharge of their duties take an oath or affirmation, to honestly and impartially discharge their duties with a view to the public welfare, and shall serve without compensation. The engineer shall receive such sum, not to exceed four dollars per day, as he may with the commissioners agree upon. The compensation of the engineer shall be paid out of the township funds, upon the order of the township clerk, after allowance by the township trustees.

SECTION 7. After the report of the commissioners, and the map and profiles have been filed with the township clerk, the township trustees shall, in determining which roads and streets shall be first improved, of those designated by the commissioners, select those nearest the center line of such township, north and south, and if, in their opinion, it is not expedient to improve all roads in all directions at one time, they shall proceed to improve the roads and streets, which in their opinion are the most traveled and used, within such township and village.

SECTION 8. The trustees shall cause to be kept by the township clerk in a book, to be provided by them for that purpose, a full and correct record of their proceedings under this act, relating to the matter of improving roads within such township and village; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads and streets shall be drawn from the treasury, except for liabilities already accrued, and then only in pursuance of orders caused by the trustees, whilst in session as a board, and be entered on the record of their proceed-

ings, and by orders drawn in pursuance thereof by the township trustees, upon the township treasurer, and in favor of persons only to whom the money is due.

SECTION 9. When the township trustees have by resolution determined to improve a designated road, or street, the work of its construction shall be by them publicly let to the lowest responsible bidder, after notice given of such letting by publication in one or more newspapers if published in such township, and by handbills judiciously posted, at least fifteen days before the letting of the contract.

Letting of contracts.

SECTION 10. For the purpose of letting contract, the trustees shall cause each road or street about to be improved, to be divided into suitable sections, and the sections numbered from the point of beginning, toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section and also the material, which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work, in such manner as the trustees may demand, and shall also bid separately for the material to be furnished.

Specifications as to such letting and bids.

SECTION 11. Contractors shall be required to give bond in amount at least equal to the contract price, with sufficient security for the faithful performance of his contract, payable to the township trustees, for the use and benefit of such township, and with the necessary stipulations on part of the contractor, and specifications of the work and material inserted therein.

Bond of contractor.

SECTION 12. In all cases the constructions of such roads and streets shall commence at the point of beginning, and no payment for work shall be made except upon the estimates made by the superintendent of improved roads and streets, appointed by the trustees, and by him duly certified, for work actually done and for material actually furnished, after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

Point at which construction to begin; payment for work.

SECTION 13. No road or street shall be improved under the provisions of this act which is less than forty feet in width, and at least twenty feet thereof shall be turnpiked with earth so as to drain freely to the sides, and shall be raised with stone or gravel not less than ten or more than sixteen feet in width, and not more than sixteen inches thick in the center, nor less than twelve inches thick at the outer edge of said bed of stone and gravel, well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent, of the road be greater than seven degrees. The roads and streets shall be well provided with the necessary side-drainings, waste-ways and under-drains to prevent overflowing or washing of water; and the commissioners of the county in which such township is located shall, upon the application of the township trustees, cause the necessary bridges and

Specifications as to improvement.

Bridges and culverts.

culverts on said road or street to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road.

Free turnpikes;
regulation of
width of tires.

SECTION 14. All streets and roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of the tires to be used on such road as is conferred upon the county commissioners in section 4904 of the Revised Statutes of Ohio, and the penalties provided in section 4905 of said statute, shall be applicable and imposed for any violation of the rules adopted by such trustees regulating the travel upon such improved roads and streets.

Employment,
compensation,
oath and bond of
superintendent
of the improved
streets and
roads.

SECTION 15. Before entering upon the improvement of any street or roads, under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of the improved streets and roads, and who shall be paid not more than four dollars per day for time actually employed, out of the funds raised for the improvement of streets and roads. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of five thousand dollars, payable to the trustees for the use and benefit of said township, conditioned that he shall faithfully and honestly discharge his duties, all and singular as superintendent of improved streets and roads of such township; and for the duties performed under the provisions of this act, the trustees shall, upon filing an itemized statement to the clerk of such township, as provided in section 1530, Revised Statutes, as amended April 21, 1890, receive two dollars per day in addition to the fees allowed in section 1530, for other services rendered for the time actually employed, and such compensation shall not in any one year exceed the sum of one hundred dollars each, for the services performed under this original act; and the trustees shall allow the township clerk for services performed under this act a reasonable compensation, not to exceed one hundred dollars in any one year.

Compensation
of township
trustees and
clerk.

Duties and powers of superintendent: payment for work or material, etc.

SECTION 16. It shall be the duty of the superintendent of improved streets and roads, of any such township, to prepare all plans, profiles, specifications and to determine the grade of any road or street about to be improved by the trustees of such township, when by them directed so to do; and all work done on said roads or streets shall be under his supervision, and all material shall be inspected by him, and both shall be subject to his approval. No payment shall be made for any work or material except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties in interest, estimates for the work done and material furnished, at such times, as the contract may provide, and may employ such assistance as he may require, first having had the consent of

such trustees thereto, who shall receive such compensation as the township trustees may allow.

SECTION 17. For the purpose of providing the money necessary to meet the expenses of improving such roads and streets, the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding thirty years, in the sum of five hundred dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually; and such bonds shall not be sold for less than their par value, and accrued interest, and the aggregate amount of the bonds of any such township, at any one time outstanding, shall not exceed fifty thousand dollars. The sale of such bonds shall be advertised for at least thirty days and the same sold to the highest bidder, at the office of the trustees of such township.

Bonds to provide necessary funds.

SECTION 18. When the trustees of any such township have determined to improve any street or road, as herein provided, in order to provide for the payment of such improvement and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law [to] levy annually upon each dollar of valuation of all the taxable property of such township, including such village, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year until all the roads and streets by said commissioners designated for improvement have been improved, as herein provided, and the bonds issued for that purpose, together with interest thereon, have been paid.

Annual tax to pay for improvement, redeem bonds and pay interest.

SECTION 19. The trustees of any such township shall cause the amount of taxes by them levied each year, under the provisions of section 18 of this act, to be certified to the auditor of the county, in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township, including such village, and the same shall be collected by the treasurer of said county as other taxes are collected.

Certification and collection of such tax.

SECTION 20. The trustees of any such township shall provide for the keeping in repair of such improved roads and streets and for that purpose the provisions of sections 4891, 4892 and 4893, and any amendments thereto of the Revised Statutes are made applicable to such township.

Provisions for repairs.

SECTION 21. To provide a fund for the keeping in repair of such improved roads and streets, the trustees of such township may levy annually an amount not to exceed one-half of one mill upon each dollar of the valuation of all taxable property in such township, including such village, in addition to other road taxes by them levied.

Annual tax for repairs.

Duties and fees
of township
treasurer.

SECTION 22. The treasurer of any such township shall receive and disburse all money arising from the provisions of this act. He shall receive as compensation therefor one-half of one per centum of the first ten thousand dollars, or less, distributed in any one year and one-fourth of one per centum of any amount in excess of ten thousand dollars, to be paid out of the township funds, and he shall receive no other compensation for services rendered under this act.

Exemption from
taxation or as-
sessment.

SECTION 23. No taxes or assessments shall be levied upon any property in such township, including such village, by the county commissioners of the county in which it is located, under the provisions of chapters 6, 7, 8, title 7, of the Revised Statutes of Ohio, after any public roads thereof have been improved under the provisions of this act.

Application of
cost where im-
provements
made on assess-
ment plan.

SECTION 24. That in all cases where streets or roads have been heretofore improved, or shall be hereafter improved by being macadamized or paved on the assessment plan, and paid for, or in process of being paid for, by abutting property owners, that the entire cost of the improvement herein provided for such width as may be designated by the commissioners, and at such time as such commissioners may designate such streets or roads for improvement shall be paid to the treasurer of the village or township, as the case may be, and the money so paid shall be by him applied to the payment of outstanding bonds issued for said improvement.

Restrictions on
annual improve-
ment and issue
of bonds.

SECTION 25. That not to exceed five miles of roads or streets shall be improved in any one year, and that in no event shall the bonds herein authorized be issued for a sum greater than is required to pay the cost of the improvement of roads and streets for the current year.

SECTION 26. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

60G

[House Bill No. 136.]

AN ACT

To amend section 1737 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1737 of the Revised Statutes of Ohio be amended so as to read as follows:

Officers of mu-
nicipal corpora-
tions:

Qualifications;
oaths.

SEC. 1737. Each officer of the corporation, or any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector within

the corporation, except as herein expressly provided, and before entering upon his official duties, shall take an oath or affirmation to support the constitution of the United States and the constitution of Ohio, and an oath or affirmation that he will faithfully, honestly, and impartially discharge the duties of the office; and the provisions as to official oaths shall extend to deputies, but they need not be electors. And no person shall be eligible to the office of solicitor of the corporation who is not an attorney and counselor of [at] law duly admitted to practice in this state as provided by law.

Deputies; solicitor.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

61G

[House Bill No. 255.]

AN ACT

To amend section 659 of the Revised Statutes of Ohio, as amended February 24, 1885 (O. L. 82, vol. 79), and also to amend section 660 of the Revised Statutes of Ohio, as amended April 15, 1892 (O. L. 89, vol. 313).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 659 of the Revised Statutes of Ohio, as amended February 24, 1885 (O. L. 82, v. 79), and also section 660 of the Revised Statutes of Ohio, as amended April 15, 1892 (O. L. 89, v. 313), be and the same are hereby amended as to read as follows:

Institution for the deaf and dumb:

SEC. 659. The institution for the education of the deaf and dumb shall be open to receive such deaf persons, residents of the state, as the trustees and superintendent judge, from reliable information and examination, to be suitable persons to receive instructions, according to the methods therein employed; but no person shall be received under seven years of age, or remain there longer than twelve years; and no person shall be received who is addicted to immoral habits, or has any contagious or offensive disease. This section shall not be construed to readmit pupils who have already been discharged by time limit.

Admission of pupils; limit on retention, etc.

SEC. 660. Pupils admitted into the institution, may be permitted to remain such a portion of nine years as their progress seems to justify. But if at the end of said time their proficiency be not such as qualifies them to enter the intermediate department of said institution, they shall then be graduated as pupils of the primary department; but such pupils as give satisfactory evidence of marked ability, and justify the expectation that they may become useful teachers, or occupy other responsible positions in life, and, upon examination at or before the expiration of nine years from

How long pupils may remain.

Vacation of
county charge.

their admission, show a sufficient proficiency to enter the said intermediate department, may remain three years in addition to the time herein specified; but no pupil admitted into said institution from a county infirmary, or who after admission into said institution shall become a county charge, shall be discharged from said institution upon vacation, and sent to the county infirmary of any county, to remain during such vacation.

Repeals.

SECTION 2. That said section 659 of the Revised Statutes of Ohio, as amended February 24, 1885, and also section 660 of the Revised Statutes of Ohio, as amended April 15, 1892, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

62G

[House Bill No. 272.]

AN ACT

Supplementary to an act entitled "An act supplementary to section 2293d of the Revised Statutes to authorize certain villages to make street improvements and issue bonds to defray portions of the expense thereof," passed May 4, 1891.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 2293e of the Revised Statutes (88, O. L., 527) with sectional numbering as herein provided:

Disposition of
balances in
Avondale and
Linwood street
improvement
funds.

SEC. 2293g. That whenever any village has appointed four citizens as commissioners of street improvements, and has issued bonds in pursuance of an act entitled "An act supplementary to section 2293d of the Revised Statutes to authorize certain villages to make street improvements, and issue bonds to defray portions of the expense thereof," passed May 4, 1891, and has been annexed to any city of the first grade of the first class, pursuant to an act entitled "An act to authorize cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class," passed April 13, 1893, and an act entitled "An act to amend section one of an act entitled 'an act to authorize cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class,' passed April 13, 1893," passed April 24, 1893, and if at the time of such annexation, there was an unexpended balance in the fund of such village so created by the issue of bonds by such village, as au-

thorized by said act of May 4, 1891, and if such balance, by the terms and conditions of annexation became the property of such city of the first grade of the first class, and has been paid to such city of the first grade of the first class, then the board of administration of such city of the first grade of the first class, without the approval of the board of legislation, may issue vouchers in favor of all persons having at the time of such annexation, a legitimate claim against said fund, such vouchers to be paid out of said fund, and after the payment of such legitimate claims, the said board of administration be and the same is hereby authorized to draw a voucher for the balance of said fund to be credited to the general fund of such city, to become part and parcel thereof and to be disbursed as is the general fund of such city of the first grade of the first class.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

63G

[Senate Bill No. 7.]

AN ACT

To amend section 8 of an act entitled "An act to provide against the evils resulting from the traffic in cigarettes, cigarette-wrappers, and packages containing the same, and to prevent the sale of the same, cigars and tobacco to minors as therein provided," passed May 18, 1894 (O. L., vol. 91, p. 311).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 8 of an act passed May 18, 1894, and entitled "An act to provide against the evils resulting from the traffic in cigarettes, cigarette-wrappers, and packages containing the same, and to prevent the sale of the same, cigars and tobacco to minors as therein provided," be amended so as to read as follows:

SEC. 8. That whoever sells, gives or furnishes to any minor under sixteen years of age any cigarette, cigarette-wrapper, or any substitute for either, or any cigar or tobacco, upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than two nor more than thirty days, or both, for the first offense; and fined not less than fifty dollars nor more than three hundred dollars, and imprisoned not less than five nor more than sixty days, for the second or any subsequent offense.

Offenses against
public policy:

Penalty for selling,
giving or furnishing
cigarette, cigarette-
wrapper, or
substitute, or
cigar or tobacco
to minor.

Repeals, etc.

SECTION 2. That said original section 8 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

64G

[Senate Bill No. 66.]

AN ACT

To amend section 2811 of the Revised Statutes of Ohio.

Annual state
board of equal-
ization for rail-
roads:
How consti-
tuted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2811 of the Revised Statutes be amended so as to read as follows:

Meeting and
duty.

SEC. 2811. The auditor of state, treasurer of state, commissioner of railroads and telegraphs and the attorney-general, shall also constitute a board of equalization of the values of the property of railroad companies as the same are fixed by the county auditors; and for this purpose they shall meet at the office of the auditor of state, on the Wednesday after the tenth day of June, annually, and examine the returns and documents sent to the auditor of state by the boards of county auditors in this behalf.

Repeals.

SECTION 2. That said original section 2811 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

65G

[Senate Bill No. 123.]

AN ACT

To provide for the holding of elections for municipal officers and members of board of education in incorporated villages having less than five hundred (500) voters, situated in two or more counties.

Judges and
clerks in munic-
ipal and board
of education
elections in cer-
tain villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in incorporated villages having less than five hundred (500) voters, situated in two or more counties, all municipal elections and elections for members of board of education shall be held under one set of

judges and clerks; such judges and clerks to be appointed by the regular board of elections in the county having the majority population of said corporation, and that said judges and clerks shall be residents of said corporation upon either side of county line so dividing said corporation.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAH W. JONES,

President of the Senate.

Passed March 17, 1896.

66G

[Senate Bill No. 124.]

AN ACT

To amend section 2 and section 3 of an act to authorize certain county commissioners to provide depositaries for public money and for other purposes, passed May 21, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two (2) and three (3) of an act to authorize certain county commissioners to provide depositaries for public money and for other purposes, passed May 21, 1894, be so amended as to read as follows:

Depository for
county funds:

SEC. 2. When the commissioners of any county shall determine to provide a depository for the money of such county, they shall publish in two newspapers published and of general circulation in the county for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest, not less than one per centum, that will be paid for the use of the money of the county, as provided herein, and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal is accepted.

Notice for pro-
posals from
banks.

What proposals
shall contain.

SEC. 3. On Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; provided, that if such award shall be to a bank outside the municipality at which the county seat of such county is fixed, the expense and risk of making deposits therein by the county treasurer, as hereinafter provided for, shall be borne by such bank to which such award shall have been made; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may divide the funds to be deposited, and award a portion thereof to each of such banks, or they may reject all proposals and advertise for

Opening of pro-
posals and
awarding of use
of moneys; ex-
pense and risk
when deposits
made outside
county seat.

Readvertising.

others in the manner aforesaid; and if no proposals are received offering a rate of interest as required in section two, the commissioners shall at once again advertise in the manner aforesaid for such proposals; and if satisfactory proposals are not received, the commissioners shall continue in the manner aforesaid to advertise for such proposals until acceptable proposals are received; but each said subsequent advertisement shall also state whether any proposal was received under the preceding advertisement, and if any was received, from what bank, and the rate of interest offered.

Repeals.

SECTION 2. That said original sections 2 and 3 of said act, passed May 21, 1894, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 17, 1896.

67G

[House Bill No. 66.]

AN ACT

To supplement section 2329 Revised Statutes of Ohio, as amended April 20, 1893 (O. L., vol. 90, p. 213), with sectional number 2329a.

**Assessments—
sidewalks and
gutters:**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2329 of the Revised Statutes of Ohio as amended April 20, 1893 (O. L., vol. 90, p. 213), be and the same is hereby supplemented with sectional numbering 2329a, as follows:

**Cleaning of side-
walks or gutters
in Springfield.**

SEC. 2329a. In cities of the second class, third grade *a*, when the board of public affairs of any such city declares by resolution that certain specified sidewalks or gutters shall be cleaned so as to be free from weeds, grass, dirt or any other objectionable substance, it shall then be the duty of said board to cause notice of the passage of such resolution to be served upon the owners of each parcel of land abutting on such sidewalk or gutter so ordered cleaned. Such notice shall be given in the same manner as is provided in section 2329 Revised Statutes of Ohio, for service of notice to construct sidewalks. If said sidewalks or gutters are not so cleaned within five (5) days after service of the notice or completion of the publication then said board shall have the same done at the expense of the owner and report the cost thereof to the clerk of the corporation. The cost of such cleaning shall constitute a lien upon the property abutting upon such sidewalk or gutter so cleaned from the date that same is so reported to the said clerk. If the cost of said cleaning is not paid to the clerk of the corporation within ten

days from the time that the same has been so reported to him by the said board of public affairs then the said clerk shall certify same together with a penalty of twenty per centum thereon, to the county auditor, who shall place the same upon the tax duplicate and collect such costs and penalty in the same manner as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

68G

[House Bill No. 121.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897q be enacted supplementary to said section 897 of the Revised Statutes as follows:

County commissioners:

SEC. 897q. In counties in which is situated a city of the second class, third grade *b*, or which at any subsequent federal census may have such city, each county commissioner shall receive a salary at the rate of sixteen hundred dollars per annum, to be paid in monthly instalments upon the warrant of the county auditor; said salary shall be full payment for all services rendered, except necessary traveling expenses incurred when on official business outside of the county. All such traveling expenses, before being paid shall be approved by the prosecuting attorney.

Salary and traveling expenses in Butler county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

69G

[House Bill No. 149.]

AN ACT

To amend section 4940 of the Revised Statutes of Ohio, as amended March 14, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4940 of the Revised Statutes of Ohio, as amended March 14, 1888, be so amended as to read as follows:

Bridges:

Construction of
approaches to
county bridges.

Purchase of ma-
terials.

Appropriation
of materials.

Cost of construc-
tion and ma-
terials.

Lighting of
bridges and pay-
ment of cost.

Construction
and repair of
bridges and cul-
verts by town-
ship trustees.

Repeals, etc.

SEC. 4940. The commissioners of any county shall cause to be constructed without unnecessary delay, good and sufficient approaches or ways to bridges which have been or may hereafter be erected by them; and they shall contract for the construction thereof in the same manner as is provided by law for contracting for the erection of bridges by county commissioners; and the county commissioners of any county may contract for and purchase such stone, gravel, earth, dirt or other material as may be necessary for the construction of such approaches or ways to such bridges, or for keeping the same in repair; provided, that if the commissioners and the owner or owners of such stone, gravel, earth, dirt or other material can not agree on a price deemed fair and reasonable, like proceedings shall be had and with like effect as are provided by law for the procurement of material by the commissioners in like cases under the two-mile assessment pike law; and the cost of constructing such approaches and procuring such material shall be paid from the bridge fund of the county, on the order of the county commissioners; and said county commissioners may, when in their opinion the safety of the public travel requires it, contract for the proper lighting of any of said bridges, when the span or two or more spans of which cross the same stream or streams and which spans are connected by levees, and when such span or spans and levees taken together have a combined length of not less than five hundred feet; and the cost of such lighting shall be paid from the bridge fund of the county on the order of the commissioners; but the trustees of the several townships shall cause to be built and kept in repair all bridges and culverts except upon improved and free turnpike roads, when the cost of construction does not exceed fifty dollars, and shall keep in repair all bridges constructed by the commissioners; provided, however, such repair by said trustees of any such bridge, in any year, shall not exceed ten dollars, and they are authorized to levy a tax for the payment of the same.

SECTION 2. Said section 4940, as amended March 14, 1888, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHUEL W. JONES,

President of the Senate.

Passed March 17, 1896.

70G

[House Bill No. 338.]

AN ACT

To amend section 1724 of the Revised Statutes.

Election of mu-
nicipal officers:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1724 of the Revised Statutes be amended so as to read as follows:

SEC. 1724. When a vacancy happens in the members of the council, or board of aldermen, a special election shall be held within twenty days thereafter, unless the annual municipal election occurs within sixty days after the vacancy; and the mayor shall designate the time and place, or places, of such election, but at least ten days' public notice of it shall be given; provided, that in a village, the mayor, by and with the consent of the council, shall have power to fill vacancies in the board from the electors of the corporation, to serve till the next annual municipal election, when a person shall be elected to serve for the unexpired term.

Manner of filling vacancy in council or board of aldermen.

SECTION 2. That section 1724 be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1896.

71G

[House Bill No. 462.]

AN ACT

To amend section 2834 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2834 of the Revised Statutes of Ohio be amended so as to read as follows:

Levying taxes:

SEC. 2834. Whenever there is in the treasury of any city, village, hamlet, county, township or school district, any surplus of the proceeds of a special tax, or of the proceeds of a loan for a special purpose, which surplus is not needed for the purpose for which the tax was levied, or the loan made, such surplus may be transferred to the general fund by an order of the proper authorities entered on their minutes; and whenever there is in the treasury of any such civil division, at the annual meeting or meetings otherwise provided by law at which the annual tax levy is to be considered and adopted any surplus not exceeding one thousand dollars in any one established fund or division of the funds, which surplus is not needed for the purpose for which the fund was created, or the money appropriated, or the tax levied, before such annual tax levy is made, such surplus may be considered as unappropriated and may be reappropriated, and transferred, by an order as aforesaid, to some other existing fund for which a tax is to be or would otherwise be levied, and the sum which it would be necessary to raise by taxation for any purpose, if no such reapportionment was made, shall thereupon be reduced to the extent of the transfer thus made; provided, however, that this act shall in no wise be considered as authority to make such reapportion-

Transfer of surplus proceeds of special tax or loan.

Reappropriation and transfer of surplus in established fund or division.

Restrictions.

ments or any transfer of funds at any other time than the meeting aforesaid to determine the tax levy nor to authorize transfers at any one such meeting of over three thousand dollars in the aggregate, nor that the amount which may be lawfully raised by taxation for any purpose may be increased by such transfer.

Repeals, etc.

SECTION 2. That section 2834 aforesaid is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed March 17, 1896.

72G

[House Bill No. 168.]

AN ACT

To repeal section 4 of an act entitled "An act to regulate drilling, operating and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith," passed February 9, 1893, as amended April 19, 1893.

Natural gas:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act entitled "An act to regulate drilling, operating and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith," passed February 9, 1893, as amended April 19, 1893, be amended so as to read as follows:

Use of flambeau
lights and
"jumbo" or sim-
ilar burners.

SEC. 4. That it shall be unlawful for any person, copartnership, or corporation to use natural gas for illuminating purposes in what are known as flambeau lights; but nothing herein shall prohibit the use of "jumbo" burners or other burners consuming no more gas than such "jumbo" burners; but the person, copartnership, or corporation consuming said gas and using such burners in the open air, or in or around derricks shall turn off said gas not later than eight o'clock in the morning of each day such lights or burners are used and shall not turn on or relight the same between the hours of eight o'clock a. m. and five o'clock p. m. But nothing herein shall prohibit the burning of flambeau lights within the derrick of any drilling well or for the purpose of lighting the streets of towns, villages and hamlets.

Repeals, etc.

SECTION 2. That said original section 4 be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

73G

[House Bill No. 251.]

AN ACT

To authorize the election of one additional judge in the second subdivision of the ninth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be elected in the second subdivision of the ninth judicial district of Ohio, composed of the counties of Mahoning, Trumbull and Portage, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the court of common pleas, at the general election to be held in November, A. D. 1897, one judge of the court of common pleas, in addition to the two judges heretofore provided for by law for said subdivision of said ninth judicial district. Said additional judge shall be elected for the term of five years; his term of office shall begin on the fourth Monday of April, A. D. 1898, and he shall have all the powers and be subject to all the obligations, and shall perform all the duties pertaining to said office of judge of the court of common pleas; he shall receive the same compensation as other common pleas judges, and vacancies, if any occur in his office, shall be filled as provided by law in such cases.

Additional
judge in second
subdivision of
ninth district.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 19, 1896.

74G

[House Bill No. 293.]

AN ACT

Providing for an excise tax on electric light, gas, natural gas, pipeline, waterworks, street-railroad, railroad and messenger or signal companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons, joint stock association, or corporation, wherever organized or incorporated, when engaged in the business of supplying electricity for light, heat or power purpose to consumers within this state, shall be deemed to be an electric light company; when engaged in the business of supplying artificial gas for lighting or heating purposes to consumers within this state, shall be deemed to be a gas company; when engaged in the business of supplying natural gas for lighting, heating or power purposes to consumers within this state, shall be deemed to be a natural gas company; when engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partially, within this state, shall

Electric light
company.

Gas company.

Natural gas
company.

Pipe-line com-
pany.

Waterworks company.

Street-railroad company.

Railroad company.

Messenger or signal company.

Annual statements of such companies.

be deemed to be a pipe-line company; when engaged in the business of supplying water, through pipes or tubing or in a similar manner, to consumers within this state, shall be deemed to be a waterworks company; when engaged in the business of operating a street, suburban or inter-urban railroad, either wholly or partially within this state, whether the cars used in such business be propelled by animal, steam, cable, electric, or other motor, shall be deemed to be a street-railroad company; when engaged in the business of operating a railroad, either wholly or partially within this state, whether on rights of way acquired and held exclusively by such company or otherwise, shall be deemed to be a railroad company; when engaged in the business of supplying messengers or of signaling or calling by electric apparatus, or in similar manner, for any purpose shall be deemed to be a messenger or signal company.

SECTION 2. Every electric light, gas, natural gas, pipe-line, waterworks, street-railroad, and messenger or signal company defined in section (1) one hereof, doing business in this state, shall annually, between the first and thirty-first days of May, and every such railroad company shall annually on or before the first day of September, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state, of such association or corporation, if an association or corporation, make and file with the auditor of state, a statement, in such form as the auditor of state may prescribe, containing the following facts:

First. The name of the company.

Second. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or county [country] organized.

Third. The location of its principal office.

Fourth. The name and post-office address of the president, secretary, auditor, treasurer and superintendent or general manager.

Fifth. The name and post-office address of the chief officer, or managing agent of the company in Ohio.

Sixth. In the case of each railroad situated wholly within Ohio, the gross earnings from its operation, and, in the case of each railroad located partly within and partly without Ohio, the gross earnings from the operation of the entire line, for the year ending the thirtieth day of June next preceding, with the miles of line within Ohio, and the miles of line without Ohio.

Seventh. In the case of companies, other than railroads, the entire gross receipts of the company (including all sums earned or charged, whether actually received or not) for business done within this state for the year then next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies.

Eighth. Such other facts and information as the auditor of state may require in the form of return prescribed by him.

Blanks for making the above statement shall be prepared and, on application, furnished any electric light, gas, natural gas, pipe-line, waterworks, street-railroad, railroad, and messenger or signal company, by the auditor of state.

Blanks for above statements.

SECTION 3. The auditor of state, treasurer of state, and attorney-general, shall constitute a board named the state board of appraisers and assessors, of which board the auditor of state shall be ex officio president. In the absence or inability of the auditor, the board shall appoint one of its members president pro tempore. The board shall appoint a secretary, and full minutes of its proceedings shall be kept. The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, and thereupon, or when received, the auditor of state shall lay before the board the statement and schedules returned to him under section two (2) hereof. The reports made by railroad companies to the commissioner of railroads and telegraphs may be regarded and treated by the board as reports made to it, and the board shall have power at any time to call upon such commissioner for information. The board shall proceed to ascertain and determine, on or before the second Monday in July the entire gross receipts of electric light, gas, natural gas, pipe-line, waterworks, street-railroad, and messenger or signal companies for business done within Ohio, for the year then next preceding the first day of May, and the amounts ascertained by said board shall, in each instance, be held and deemed to be "the gross receipts of such electric light, gas, natural gas, pipe-line, waterworks, street-railroad and messenger or signal company, for business done within Ohio" for the year under consideration. The board shall further proceed to ascertain and determine, on or before the first Monday in October, the gross earnings from its operation within Ohio of each railroad company whose line is wholly or partially within this state, for the year then next preceding the thirtieth day of June, and the amount ascertained by said board shall be held and deemed to be "the gross earnings of such railroad company from its operation within Ohio" for the year under consideration. In ascertaining the gross earnings from its operation within Ohio of a railroad company whose line lies partly within and partly without this state, the gross earnings from its operation of the entire line or system, shall be divided by the total number of miles operated to obtain the average gross earnings per mile, and the gross earnings from the operation within this state shall be taken to be the average gross earnings per mile multiplied by the number of miles operated within this state. The board may adjourn from time to time, until the business before it is finally disposed of. In case of the failure or refusal of any company to make the statement required by law, or

State board of appraisers and assessors: how constituted and officered; minutes of proceedings.

Annual meeting: statements and reports to be submitted; power to call for information.

Ascertainment of gross receipts of companies other than railroad for preceding year.

Ascertainment of gross earnings of railroad companies for preceding year.

Adjournment pro tem.

Self-information.

Right to appear
before board and
be heard.

Review and cor-
rection of find-
ing.

Penalty for fail-
ure to file state-
ment.

Recovery and
disposition of
penalty; fees of
attorney-gen-
eral.

Power to require
attendance, sub-
mission of docu-
ments, giving of
testimony and
to administer
oath.

Penalty for re-
fusal to attend,
submit docu-
ments or testify.

furnish the board any information requested by it, the board shall inform itself as best it may on the matters necessary to be known, in order to discharge its duties under this act. And any time after the meeting of the board on the first Monday in June, and before the gross receipts of any company other than railroad, for business done within Ohio, or the gross earnings from its operation within Ohio of any railroad company are determined, any company or person interested shall have the right, on written application, to appear before the board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company, other than railroad, for business done within Ohio, or of the gross earnings from its operation within Ohio, of any railroad company, and before the certification to the auditor of state of such amount, as provided in section five (5) hereof, the board may, on the application of any person or company interested, or on its own motion, review and correct its finding in such manner as may seem to it to be just and proper.

SECTION 4. In case any company required to file a statement under the provisions of section two (2) hereof, fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and on collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the auditor of state, shall institute such action against any company so delinquent, in the court of common pleas of Franklin county, or in any county in which such company does business, and shall be allowed for his services five per centum on the amount collected, to be retained by him and the balance paid into the state treasury. The state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or managing agent, or other officer, or employe or agent, of any electric light, gas, natural gas, pipe-line, waterworks, street-railroad, railroad or messenger or signal company to attend before the board and bring with him for the inspection of the board, any books or papers of such company in his possession or control, and to testify under oath touching any matter relating to the organization or business of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe or agent of such company who shall refuse to attend before the board when requested to do so, or shall refuse to bring with him and submit for the inspection of the board any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof, touching the organization or business of such company, shall be

deemed guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both, and any officer, employe or agent of such company so refusing as aforesaid, shall be deemed guilty of contempt of such board, and may be confined, by order of such board, in the jail of the proper county until he shall have complied with the requirements of the board and paid the costs of his imprisonment.

SECTION 5. The board of appraisers and assessors shall on the first Monday in August, report to the auditor of state the amount of the gross receipts of electric light, gas, natural gas, pipe-line, waterworks, street-railroad, and messenger or signal companies for business done within the state of Ohio for the year next preceding the first day of May, and on the first Monday in October, the board shall report to the auditor of state the amount of the gross earnings from its operation within Ohio of each railroad company for the year then next preceding the thirtieth day of June. At the same time the board shall file with the auditor of state the statements of the various companies and other papers before it. It shall be the duty of the auditor of state, in the month of November, annually, to charge and collect from each electric light, gas, natural gas, pipe-line, waterworks, street-railroad, and messenger or signal company doing business in this state, a sum, in the nature of an excise tax, to be computed by taking one-half of one per centum of the amount fixed by the state board of appraisers and assessors as the gross receipts of such company for business done within the state of Ohio for the year then next preceding the first day of May, and certified to the auditor of state; and from each railroad company doing business in this state a sum in the nature of an excise tax to be computed by taking one-half of one per cent. of the amount fixed by the state board of appraisers and assessors as the gross earnings from its operation within Ohio of such company for the year then next preceding the thirtieth day of June, and certified to the auditor of state. Provided, nothing contained in this act shall exempt or relieve electric light, gas, natural gas, pipe-line, waterworks, street-railroad, railroad, and messenger or signal companies from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected by the auditor of state under the provisions of this act, shall be paid into the state treasury, and be credited to the general revenue fund. If any electric light, gas, natural gas, pipe-line, waterworks, street-railroad, railroad, messenger or signal company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due, a penalty of fifty per cent. thereon and shall forthwith proceed to collect the tax and penalty with interest at the rate of six per cent. per annum by any means provided by law. for the collection of taxes by county treasurers, and for his services shall be allowed five per cent. on the total amount

Annual reports of board: filing of statements and other papers.

Assessment and collection of excise tax on companies.

Non-exemption of tangible property.

Disposition of taxes.

Penalty and collection in case of delinquency; duties and fees of officers.

collected, which he is authorized to retain. It shall be the duty of the attorney-general, or any prosecuting attorney, on request of the auditor of state, to prosecute any proceedings for the collection of such tax, which officer shall be allowed for his services five per cent. on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury. Suits for the collection of such tax may be brought in the name of the state in Franklin county, or in any county in which such electric light, gas, natural gas, pipe-line, waterworks, street-railroad or messenger or signal company is doing business or the line of such railroad company is located. In case the tax herein authorized to be charged and collected against any class of companies defined in the first section of this act, engaged in any class of business mentioned therein, shall, for any reason, be declared invalid, such invalidity shall in no wise affect the validity of the law as applicable to any other class or classes of companies defined in said section nor shall the abrogation or repeal of any section or clause of this act be held to abrogate or repeal any other section or clause thereof.

Where suit may be brought.

Non-interdependence of validity, section or clause.

Exemption of municipalities.

SECTION 6. This act shall not be construed as to require any municipal corporation within this state to make any return or pay any taxes under any provision of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

75G

[House Bill No. 299.]

AN ACT

To amend section 1701 of the Revised Statutes of Ohio, as amended March 10, 1893 (O. L. vol. 90, p. 79).

Officers of hamlets:

Bond of president, treasurer and marshal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1701 of the Revised Statutes be amended so as to read as follows:

SEC. 1701. The president of the board of trustees, treasurer and marshal shall each give bond to the corporation for the faithful performance of his duties, and each bond shall be in such amount as the trustees may determine except that the bond of the president of the board of trustees shall in no case be less than five hundred dollars, and each bond shall be subject to the approval of said trustees, and after being recorded in the office of the township clerk shall remain in their custody; but if a trustee is principal in any

such bond the duties with respect to it shall be performed by the other trustees.

SECTION 2. Section 1701 as amended March 10, 1893 (O. L. 90 v., p. 79), is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

76G

[House Bill No. 108.]

AN ACT

To provide for the distribution of volume twelve of the roster of Ohio soldiers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That volume twelve of the roster of Ohio soldiers shall be distributed as follows: To each member of the seventy-second general assembly forty copies; to the roster commission, twenty-five copies each; to the adjutant-general for distribution to the adjutant-general of each state and territory and proper officials of the war, state officers of Ohio, and to each of the various state departments and institutions, one copy; to the state library, seventy-five copies, for exchanges, and ten copies to be retained permanently therein; to each public library of an incorporated city or village of the state, one copy; to each post of the grand army of the republic, to each command of the union veterans' union, and to each encampment of the union veteran legion, one copy on condition that if the post, camp or command be disbanded at any time the same shall be returned to the adjutant-general; to the department of Ohio grand army of the republic, and loyal legions, each one copy; to each camp of the sons of veterans one copy on condition that if the camp be disbanded at any time the same shall be returned to the adjutant-general; to the Mexican veterans' association, ten copies; to each county recorder, to be by him kept in his office and transferred to his successor as other public records, one copy; to each township clerk, to be by him kept in his office and to be transferred to his successor, one copy; to each clerk in the roster department, one copy; the remainder of said copies, after such distribution, shall be placed on sale by the adjutant-general, at a price not exceeding one dollar per volume; he shall keep a record of such sales, and shall, at the end of each quarter of the fiscal year, pay into the state treasury the sum received, until all said volumes are sold, unless otherwise directed by the general assembly; provided, that he shall not sell more than one copy of said volume to the same person.

Distribution of
volume twelve,
roster of Ohio
soldiers.

Sale of copies
and disposition
of proceeds.

Direction of distribution.

SECTION 2. The distribution herein provided for shall be under the direction of the adjutant-general.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1896.

77G

[House Bill No. 112.]

AN ACT

To provide for the placing of the U. S. national flag upon all public school-houses.

Display of U. S. national flag during school sessions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all boards of education be authorized and required to display the U. S. national flag upon all school-houses under their control, during all day school sessions in fair weather, and to be displayed on the inside of the school-house on all other days and said boards of education shall make all rules and necessary regulations for the care and keeping of such flags the expense of the same to be paid out of the contingent funds of such boards.

Repeals.

SECTION 2. All laws and parts of laws conflicting herewith are hereby repealed.

SECTION 3. This act to take effect and be in force on and after the second Monday in May, A. D. 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1896.

78G

[House Bill No. 300.]

AN ACT

To amend an act entitled "An act to prohibit the killing of certain birds."

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-nine hundred and sixty of the Revised Statutes of Ohio, as amended April 18, 1892, be so amended as to read as follows:

Catching, killing, injuring, pursuing or destroying eggs or nests of certain birds; penalty.

SEC. 6960. No person shall, at any time, catch, kill or injure, or pursue with such intent, any sparrow, nuthatch, warbler, flicker, vireo, wren, robin, cat-bird, tanager, bobolink, bluejay, oriole, grosbeak, creeper, redstart, waxwing, woodpecker, humming-bird, lark, cuckoo, thrush, swallow.

bluebird, bunting, redwing, starling, purple martin, brown thrasher, American goldfinch, chewink or ground-robin, pewee or phoebe-bird, chickadee, titmouse or eagle. No person shall, at any time, destroy the eggs or nests of any of the birds named in this section. And any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined as provided in section sixty-nine hundred and sixty-eight; provided that nothing in this act shall prohibit the killing of the house-sparrow at any time, or prohibit the killing of the American robin, by the owner or tenant of any premises where it is found destroying berries or fruit growing on such premises.

House-sparrow
and American
robin.

SECTION 2. Said section 6960 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

79G

[House Bill No. 374.]

AN ACT

To authorize the election of two additional judges of the court of common pleas in the first subdivision of the fourth judicial district of Ohio.

WHEREAS, An overcrowded condition of the dockets exists in the courts of common pleas of Lucas county, requiring an additional judge of said court in said county; and whereas a like condition exists in the counties of Erie, Huron, Ottawa and Sandusky, requiring an additional judge of said court for said counties, therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the first subdivision of the fourth judicial district of the state of Ohio there shall be two additional judges of the court of common pleas, who shall be residents of said subdivision of said district composed of the counties of Erie, Huron, Lucas, Ottawa and Sandusky, to be elected by the qualified voters of said counties as herein provided.

Additional
judges in first
subdivision of
fourth district.

SECTION 2. The first election of said additional judges shall be held pursuant to the general election laws of the state of Ohio governing the election of judges of the court of common pleas, at the general election for state and county officers on the first Tuesday after the first Monday in November, A. D. 1896. And the term of office of said judges shall commence on the second Monday of February, 1897, and shall continue for five years; and their successors shall be elected on the first Tuesday after the first Monday in November, 1901, and every five years thereafter.

First election
and term of
office; election
of successors.

Notice, conduct
and returns of
election.

SECTION 3. It shall be the duty of the sheriff of each county of said subdivision to give notice by proclamation as is now provided by law, of the time and place of holding such elections, which shall be conducted and the returns thereof made in the same manner as required by law in cases of the election of judges of the court of common pleas.

Compensation,
jurisdiction,
powers, duties
and penalties.

SECTION 4. Said judges when elected and qualified, shall receive the same compensation as other judges of said court, and shall also in every respect have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties, as are now or may hereafter be conferred or enjoined by the constitution and laws of the state of Ohio, upon other judges of said court.

Vacancy caused
by death, resig-
nation, etc.

SECTION 5. If a vacancy occur in the office of said additional judge or judges by death, resignation, or otherwise, such vacancy shall be filled in the manner now provided by law in vacancies in the office of the other judges of said court.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1896.

80G

[House Bill No. 399.]

AN ACT

To provide against gypsies, travelers, wanderers, or other persons from occupying the highway, or lands adjacent thereto without permission.

Unlawful camp-
ing on public
highways or ad-
jacent lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any band of gypsies, wanderers, travelers, or other person or persons, to camp in tent, wagon or otherwise, on the public highway, or lands adjacent thereto, for a longer period than twenty-four hours without consent of the owners of such adjacent land, or consent of owner of land abutting on the highway where such camping place is made.

Penalty for vio-
lation.

SECTION 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars, or imprisoned in the county jail not exceeding thirty days, or both.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1896.

81G

[Senate Bill No. 5.]

AN ACT

To prevent the display of foreign flags on public buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* It shall not be lawful to display the flag or emblem of any foreign country upon any state, county or municipal building; provided, however, that whenever any foreigner shall become the guest of the United States, the state or any city upon public proclamation by the governor or mayor of such city, the flag of the country of which such public guest shall be a citizen may be displayed upon such public buildings.

Unlawful display of foreign flag or emblem upon public building; display in honor of guest.

SECTION 2. Whoever violates any of the provisions of this act shall be fined not more than fifty dollars or be imprisoned thirty days or both.

Penalty for violation.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

82G

[Senate Bill No. 49.]

AN ACT

Providing for the taxation of freight-line and equipment companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars, not otherwise listed for taxation in Ohio, for the transportation of freight, whether such freight be owned by such company, or any other person or company, over any railway line or lines in whole or part within this state, such line or lines not being owned, leased or operated by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture or refrigerator cars, or by some other name, shall be deemed to be a freight-line company; any person or persons, joint stock association or corporation, wherever organized, engaged in the business of furnishing or leasing cars, of whatsoever kind or description, to be used in the operation of any railway line or lines, wholly or partially within this state, such line or lines not being owned, leased or operated by such company, and such cars not being otherwise listed for taxation in Ohio, shall be deemed to be an equipment company.

Freight-line company.

Equipment company.

SECTION 2. Every freight-line and equipment company defined in section one (1) hereof, doing business or owning cars which are operated in this state shall, annually,

Annual statements of such companies.

between the first and thirty-first days of May, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the auditor of state a statement, in such form as the auditor of state may prescribe, containing the following facts:

1. The name of the company.
2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager.
5. The name and post-office address of the chief officer and managing agent of the company in Ohio.
6. The number of shares of the capital stock.
7. The par value and market value, or, if there be no market value, the actual value of the shares of stock on the first day of May.
8. A detailed statement of the real estate owned by the company in Ohio, where situate, and the value thereof as assessed for taxation.
9. The total value of the real estate owned by the company and situate outside of Ohio.
10. The whole length of the lines of railway over which the company runs its cars, and the length of so much of said lines as is without and is within the state of Ohio.
11. In the case of an equipment company, the whole number and value of the cars owned and leased by the company, classifying the cars according to kind; also, the whole length of the lines of railway, wherever located, operated by the companies (naming them), to which cars owned by such equipment [company] are leased, and the length of so much of said lines as is without and is within the state of Ohio, giving the name and location of the lines wholly or partially within the state of Ohio.
12. Such other facts and information as the auditor of state may require in the form of returns prescribed by him.

Blanks for above statements; exemption from provisions of section 2744.

Blanks for making the above statement shall be prepared, and, on application, furnished any company by the auditor of state. Freight-line and equipment companies shall not be required to make returns, and shall not be governed by the provisions of section 2744 of the Revised Statutes.

State board of appraisers and assessors: how constituted and officered; minutes of proceedings.

SECTION 3. The auditor of state, treasurer of state and attorney-general shall constitute a board named the state board of appraisers and assessors, of which board the auditor of state shall be ex officio president. In the absence or inability of the auditor, the board shall appoint one of its members president pro tempore. The board shall appoint a secretary and full minutes of its proceedings shall be kept.

The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, for the purpose of determining the amount and value of the proportion of the capital stock of freight-line and equipment companies representing capital and property of such companies owned and used in Ohio. On the meeting of the board, the auditor of state shall lay before it the statements and schedules returned to him under section two (2) hereof. The board shall proceed to ascertain and determine, on or before the second Monday in July, the amount and value of the proportion of the capital stock of freight-line and equipment companies, representing capital and property of such companies owned and used in Ohio, and in determining the same, shall be guided in each case by the proportion of the capital stock of the company representing rolling-stock, which the miles of railroad over which such company runs cars or its cars are run in Ohio bear to the entire number of miles in Ohio and elsewhere over which such company runs cars or its cars are run, and such other rules and evidence as will enable the board to determine, fairly and equitably, the amount and value of the capital stock of such company representing capital and property owned and used in the state of Ohio. The board may adjourn from time to time until the business before it is finally disposed of. In case any company fails or refuses to make the statement required by law, or furnish the board with any information requested, the board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty under this act. At any time after the meeting of the board on the first Monday in June, and before the amount and value of the capital stock of any company representing capital and property owned and used in Ohio is determined, any company or person interested shall have the right, on written application, to appear before the board and be heard in the matter of determination. After fixing the amount and value of the capital stock of any company representing capital and property owned and used in Ohio, and before the certification to the auditor of state of such amount, as provided in section five (5) hereof, the board may, on the application of any person or company interested, or on its own motion, review and correct its action in such manner as it may deem just and proper.

SECTION 4. In case any company required to file a statement under the provisions of section (2) two hereof fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and on collection paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the auditor of state, shall institute such action against any company so de-

Annual meeting, and its purpose; submission of statements, etc.

Ascertainment of amount and value of proportion of capital stock representing capital and property owned and used in Ohio.

Adjournment pro tem. Self-information.

Right to appear before board and be heard.

Review and correction of finding.

Penalty for failure to file statement.

Recovery and disposition of penalty.

Service of summons.

Power to require attendance, submission of documents, giving of testimony and to administer oath.

Penalty for refusal to attend, submit documents or testify.

Annual report of board: filing of statements and other papers.

Assessment and collection of excise tax on companies.

Disposition of taxes

linquent, in the court of common pleas at Franklin county, or of any county into or through which any railroad line passes, over which the cars of such freight-line or equipment company are running. Service of summons may be made in the manner provided in section five (5) of this act in suits for the collection of the tax against such company. The state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or managing agent, or other officer, or employe or agent of any freight-line or equipment company, to attend before the board and bring with him, for the inspection of the board, any books or papers of such company in his possession, custody or control, and to testify under oath touching any matter relating to the organization, property and business of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe or agent of such company who shall refuse to attend before the board when required to do so, or shall refuse to bring with him and submit, for the inspection of the board, any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof, touching the organization, business or property of such company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both; and any officer, employe or agent of such company so refusing as aforesaid, shall be deemed guilty of contempt of such board and may be confined by order of such board, in the jail of the proper county until he shall comply with the requirements of the board and pay the cost of the imprisonment.

SECTION 5. The state board of appraisers and assessors shall, on the first Monday in August, report to the auditor of state the amounts fixed by it as the value of the capital stock representing capital and property of freight-line and equipment companies employed and used in Ohio; at the same time the board shall file with the auditor of state the statements of the various companies and other papers before it. It shall be the duty of the auditor of state, in the month of November, annually, to charge and collect from each freight-line and equipment company doing business or owning cars which are operated in this state, a sum, in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the value of the proportion of the capital stock representing the capital and property of such company, owned and used in Ohio, and certified to the auditor of state, after deducting the value of the real estate of the company in Ohio, assessed and taxed locally, if any there be. All taxes collected by the auditor of state, under the provisions of this act, shall be paid into the state treasury and be

credited to the general revenue fund. If any freight-line or equipment company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due a penalty of fifty per centum thereon, and shall forthwith proceed to collect the tax and penalty by any means provided by law for the collection of taxes by county treasurers, and for his services shall be allowed fifty per centum on the amount of penalty collected, which he is authorized to retain out of such amount. It shall be the duty of the attorney-general or any prosecuting attorney, on request of auditor of state, to prosecute any proceeding for the collection of such tax, which officer shall be allowed for his services five per centum on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury. Suit for the collection of such tax and penalty may be brought in the name of the state, in the county of Franklin, or in any county into or through which passes any railroad line over which the cars of such freight-line or equipment company are running; and service of summons against a freight-line or equipment company may be made upon any officer or agent of such company named in section 5044 of the Revised Statutes; or if such officer or agent can not be found, then upon any conductor or officer, agent or employe of such company, in charge of any car owned and used by such company in any county in this state in which any railroad line over which the cars of such freight-line or equipment company are running is located, or through which it passes.

Penalty and collection in case of delinquency; duties and fees of officers.

Where suit may be brought.

Service of summons.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

83G

[Senate Bill No. 59.]

AN ACT

For the relief of Malcolm Kelly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue a duplicate warrant in favor of Malcolm Kelly, one of the judges of the court of common pleas, in the first subdivision of the fourth judicial district of Ohio, No. 710, for two hundred and eight dollars and thirty-three cents (\$208.33); said original warrant was lost December 12, 1895.

Duplicate warrant in favor of Malcolm Kelly.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

84G

[Senate Bill No. 62.]

AN ACT

To supplement section 2729 of the Revised Statutes of Ohio.

Sinking fund: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2729 of the Revised Statutes of Ohio be further supplemented into sections numbering as follows:

Cincinnati consolidated sinking fund bonds: issue, interest, redemption, sale, etc.

SEC. 2729g. That in any city wherein trustees of the sinking fund have been appointed under the provisions of section 2715, Revised Statutes, such trustees, in addition to their other powers, shall have the power to make and issue for the purpose hereinafter specified in section 2729h the bonds of their city, with coupons or registered, running for such length of time, not exceeding fifty years, as the trustees may determine, and bearing interest at a rate not greater than four per centum per annum, payable semi-annually. Such bonds shall be known as the consolidated sinking fund bonds (filling the blank with the name of the city issuing the bonds). The bonds shall be signed by the mayor of the city, countersigned by the auditor or corresponding officer, and have affixed the seal of the city issuing them. The principal and interest may be made payable at such place and in such kind of lawful money as the trustees may determine. Such bonds shall be sold as provided by section 2709, Revised Statutes.

Purpose and aggregate amount of bonds; object of section 2729b; power of renewal; taxes for sinking fund; investment of earnings.

SEC. 2729h. The purpose for which alone the bonds provided by section 2729g may be made, issued, and sold shall be the renewal or extension of existing bonded debt of the city which from any reason the trustees of the sinking fund of such city are unable to pay at maturity. The bonds authorized by section 2729g shall never, for any city, aggregate in outstanding amount more than what may at any time be unpaid of the bonded debt of such city now outstanding and hereafter lawfully authorized to be issued, it being the object of section 2729b to provide only bonds for renewal or extension of legally existent bonded debt which at maturity is not paid and extinguished; and to that end the power herein and by section 2729b conferred is a continuing power, and includes renewal of bonded debt now existing, hereafter lawfully created by said cities respectively, for which the trustees of the sinking fund act, and extends to one or more renewals of any of the bonds issued hereunder; but nothing

herein shall be construed to excuse said trustees from levying and applying taxes for sinking fund and the earnings from investment thereof, as now provided and required by law.

SEC. 2729i. Any of the bonds provided by section 2729b at the time of issue, or at any time subsequently and before maturity, by exchange of original bonds may be made registered bonds, in manner as follows, viz.: A certificate of indebtedness of the city shall be issued by the city auditor to the person or company desiring registration in terms and conditions a copy of the coupon bonds, except as to coupons, but with the insertion of amount, the name of the holder, and the recital of terms upon which transfer may be made. The amount of each certificate shall be as desired by the holder, except that no certificate shall be issued for less than one thousand dollars, or for other sums than some multiple of a thousand. Registration certificates shall be signed and sealed as are the coupon bonds, and shall not be issued until countersigned by the president of the sinking fund trustees of the city issuing them and record of transfer in their office in books kept for that purpose. Further record by a trust company may be required if desired by the trustees of the sinking fund of any city. Transfer of registered certificates shall be made only upon proper indorsement and surrender of the original, but registered debt shall never again become coupon bonds. The check of the trustees of the sinking fund of each city, signed as provided by law for their other checks, shall be mailed to each holder of registered debt, as the names appear on the trustees' books, for each instalment of interest as the same becomes due.

How bonds provided by section 2729b made registered bonds.

Transfers, etc.

Payment of interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

85G

[Senate Bill No. 75.]

AN ACT

Supplementary to an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the term of office of the commission appointed by the authority of an act entitled "An act supplementary to an act entitled 'an act to provide for a com-

Canal commissioners:

Appointment,
powers and
duties.

mission to establish the boundaries and lines of the canals, and canal basins, reservoirs, etc., etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 13, 1894, having expired by limitation, and the work assigned to said commission not having been completed, the governor is hereby authorized to appoint by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work prescribed in the act entitled "An act to provide for a commission to establish the boundaries and lines of canals, canal basins, reservoirs, etc., etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (O. L., vol. 85, p. 127), and the act amendatory thereof, passed April 12, 1889 (O. L., vol. 86, p. 270), and the act supplementary thereto (to which this act is supplementary), passed April 18, 1890 (O. L., vol. 87, p. 219), and the act amendatory of the act of April 12, 1889, above named, passed May 1, 1891 (O. L., vol. 88, p. 507), and the act enlarging the duties of the canal commission, passed April 23, 1891 (O. L., vol. 88, p. 338), and any other acts amendatory of or supplementary to the above named acts, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by the above named acts, or either of them, or by any existing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office. The said canal commissioners, after appointment, shall each take an oath of office and give bond in the sum of ten thousand dollars, conditional for the faithful discharge of his duties, and shall each receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as the compensation and expenses of the canal commission, of which such canal commissioners will be the successors, as now required by law to be paid.

Term; vacancy.

Oath; bond;
salary and ex-
penses.

SECTION 2. This act shall take effect and be in force from and after the 18th day of April, 1896.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 30, 1896.

86G

[Senate Bill No. 78.]

AN ACT

To amend and supplement section 6928 of the Revised Statutes of Ohio, providing against the sale of unwholesome food (29, v. 144) and to provide against the contamination of animals used for human food.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6928 of the Revised Statutes be amended and supplemented to read as follows:

Offenses against public health:

SEC. 6928. Whoever sells, or offers for sale, or has in his possession with a view to sell any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, without making the condition of the same known to the buyer, and whoever kills for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars, or imprisoned twenty days, or both.

Penalty for selling, etc., unwholesome provisions.

SEC. 6928—1. Whoever feeds to swine, or animals of any kind used for human food the flesh of any old horse, or the flesh of any animal which has become old, decrepit, infirm or sick, or of one that has died from such cause, or any offal or flesh that is putrid or unwholesome, shall be fined not more than two hundred dollars nor less than fifty, or imprisoned for the first offense not more than thirty days, or both, and for a second offense not more than six months, or both.

Penalty for feeding unwholesome offal or flesh to swine, etc.

SECTION 2. Original section 6928 is hereby repealed and this act shall be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

87G

[Senate Bill No. 93.]

AN ACT

To extend the jurisdiction of police courts in cities of the first grade of the second class, and to provide for the appointment of deputy clerks therein, and to amend sections 1788, 1804, 7147 and 7161 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1788 of the Revised Statutes be so amended as to read as follows:

Police court:

SEC. 1788. The police court shall have jurisdiction of any offense under any ordinance of the city, and of any misdemeanor committed within the limits of the city or within

Final jurisdiction; Columbus; jury trial.

four miles thereof, to hear and finally determine the same, and impose the prescribed penalty; and in cities of the first grade of the second class the court shall have jurisdiction of any offense under any ordinance of the city and misdemeanor committed within the limits of the county in which such city is situated, to hear and finally determine the same, and impose the prescribed penalty; but cases in which the accused is entitled to a trial by jury, shall be so tried, unless a jury be waived.

Clerk of police court:

SECTION 2. That section 1804 of the Revised Statutes be so amended as to read as follows:

Powers.

SEC. 1804. The clerk of the police court shall have power, when an affidavit is filed with him for a peace-warrant, search-warrant, or charging any person with the commission of an offense, to issue a warrant under seal of said court to arrest the accused or search the place described; to admit to bail any person accused of a misdemeanor or violation of an ordinance for his appearance at the next sitting of the police court or mayor, as the case may be; and the bond given to continue until the case is finally disposed of; and also to admit to bail any person accused of a felony when the amount of bail has been fixed by the court or mayor, as the case may be; to appoint one or more deputies to be approved by the council, to administer oaths and to perform all other things which may be performed by the clerk of the court of common pleas in like cases.

Examination:

SECTION 3. That section 7147 of the Revised Statutes be so amended as to read as follows:

Proceedings when there is no plea of guilty.

SEC. 7147. When the accused is brought before the magistrate and there is no plea of guilty, he shall as soon as may be, in the presence of the accused, inquire into the complaint; and if it appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, he shall order him to enter into a recognizance, with good and sufficient surety, in such an amount as he may deem reasonable, for his appearance at the proper time, before the proper court; otherwise he shall discharge him from custody; but if the offense charged is a misdemeanor, and the accused, in a writing subscribed by him, and filed before or during the examination, waive a jury and submit to be tried by the magistrate, he may render final judgment; and in all counties containing a city of the second grade of the first class, whenever a justice of the peace recognizes or commits the accused for the commission of a misdemeanor within the limits of said city or within four miles thereof, he shall recognize or commit him to appear before the police court of said city; and in all counties containing a city of the first grade of the second class, whenever a justice of the peace recognizes or commits the accused for the commission of a misdemeanor within the limits of the county in which such city is situated, he shall recognize or commit him to appear before the police court of such city, and in case the accused do not give bond, he shall be delivered to the

Cuyahoga county.

Franklin county.

sheriff of said county to be by said sheriff held until released or discharged by the police court.

SECTION 4. That section 7161 of the Revised Statutes be so amended as to read as follows:

Bail:

SEC. 7161. If the offense for which the prisoner is held to answer is bailable, and the prisoner offers sufficient bail, a recognizance shall be taken for his appearance to answer the charge before the court of common pleas, on the first day of the next term thereof, or before the probate court, if that court has jurisdiction of the offense, on the first day of the next term thereof for the trial of criminal cases, or before the police court in cities of the second grade of the first class when he is held for a misdemeanor, charged as committed within such city or within four miles of the limits thereof, or before the police court in cities of the first grade of the second class when he is held for a misdemeanor, charged as committed within the limits of the county in which such city is situated, and not depart without leave, or if the court of common pleas or probate court before which he is held to appear is at the time in session, or if he be held to answer before said police court, the recognizance shall require the accused to appear forthwith before such court; but no recognizance requiring the accused to appear at the next term of said court of common pleas or probate court, shall be rendered invalid by the fact that said court is in session.

Recognizance—its conditions, etc.; Cuyahoga and Franklin counties.

SECTION 5. The sheriffs of counties containing cities of the first grade of the second class, shall execute all warrants, subpoenas, or other process of the police court, and make due return thereof, in case of all offenses, charged as having been committed in such counties outside of the incorporated limits of such cities, and shall receive therefor the same fees as are allowed in similar cases in courts of common pleas.

Duties and fees of sheriff of Franklin county.

SECTION 6. For services rendered under and by virtue of this act in cities of the first grade of the second class the county commissioners of each county in which said cities are situated shall allow a reasonable compensation to the persons who from time to time may hold or occupy the position of judge, prosecutor, clerk and deputy clerk of the police court, in addition to the salaries now received by such officers, which such sums shall be paid out of the county treasury of such counties.

Additional compensation of officers of Columbus police court.

SECTION 7. That said original sections 1788, 1804, 7147 and 7161 of the Revised Statutes be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

88G

[Senate Bill No. 22.]

AN ACT

To prevent the adulteration of vinegar.

Manufacture,
sale, etc., of vine-
gar not in com-
pliance pro-
hibited.
Apple, orchard
or cider-vinegar.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider-vinegar which is not the legitimate product of pure apple-juice, known as apple-cider; or vinegar not made exclusively of said apple-cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per cent., by weight, of cider-vinegar solids upon full evaporation at the temperature of boiling water.

Fermented and
distilled vine-
gars.

SECTION 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than two per cent., by weight, upon full evaporation (at the temperature of boiling water), of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two-and-a-half-tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent., by weight, of absolute acetic acid.

Injurious ingre-
dients.

Branding of
packages.

SECTION 3. No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be branded on the head of the cask, barrel or keg containing such vinegar, or if sold in other packages that each package be plainly marked with the name and residence of the manufacturer, together with brand required in section two hereof.

Penalty for vio-
lation.

SECTION 4. Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or

both, and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspection and analyzing such vinegar.

SECTION 5. That the act passed April 14, 1888, be and the same is hereby repealed and this act shall take effect and be in force from and after June 1, 1896. Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

89G

[Senate Bill No. 109.]

AN ACT

For the relief of persons who have given mortgages to the state of Ohio for loans of the surplus revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That, on application of any person owning land in any county of this state upon which there is an uncanceled mortgage to the state of Ohio, taken by the commissioners of the surplus revenue fund, under the act of March 28, A. D. 1837, or the acts amendatory thereof or supplementary thereto, the state auditor shall ascertain whether or not such county has repaid to the state its proportion of said surplus revenue, and, upon ascertaining that such repayment has been made, it shall be the duty of the said auditor to give to such person a certificate therefor, and, on presentation of such certificate to the governor of the state, he is hereby authorized and directed, on behalf of the state of Ohio, to execute and deliver to such person a release of said mortgage, which release, when recorded in the land records of the proper county, shall operate as a cancelation of said mortgage, and thereafter such mortgage shall, for all purposes, be treated as null and void, both in law and equity.

Cancelation of
mortgage taken
by commission-
ers of surplus
revenue fund.

SECTION 2. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

90G

[Senate Bill No. 138.]

AN ACT

To amend section 4215 of the Revised Statutes of Ohio, as amended March 22, 1892 (O. L., vol. 89, p. 129), as amended April 27, 1893 (O. L., vol. 90, p. 347), as amended March 27, 1894, as amended May 2, 1894 (O. L., vol. 91, p. 198).

Animals: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4215 of the Revised Statutes of Ohio, as amended March 22, 1892 (O. L., 89, p. 129), as amended April 27, 1893 (O. L., vol. 90, p. 347), as amended May 2, 1894 (O. L., vol. 91, p. 198), be amended so as to read as follows:

Statement of damages for sheep killed or injured by dogs. SEC. 4215. Any person damaged by the killing or injury of sheep by dog or dogs, may present a detailed account of the injury done, with damages claimed therefor, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred, and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed and nature and amount of the injury, and shall make it appear to the satisfaction of the trustees upon the parole testimony of at least two other persons who are freeholders of the neighborhood where the injury was done, that the damage claimed is just and reasonable; and also make it appear that such injury was not caused in whole or in part by any animal kept or harbored by him, or by an employe or tenant of the owner upon such owner's premises, and that he does not know whose animal committed such injury, or if known and such account reduced to judgment could not be collected on execution; and the witnesses in such cases, not exceeding two, shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any such claimant or witness; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of the same, such affidavit may be made by such employe or tenant, and the testimony of such employe or tenant may be received in regard to all matters relating thereto to which such owner would be competent to testify. The trustees shall hear such claims in the order of their filing, and may allow the same or such parts thereof as they may deem right, and if satisfied that such claim is correct and just, they shall endorse thereon the amount allowed and transmit the same with the testimony so taken, together with the fees due witnesses over their own official signatures to the county commissioners, in care of the county auditor, who shall enter upon a book to be kept for that purpose, in their order, each claim received; the county commissioners shall, at their next regular meeting, examine the same, and if found in whole or in part correct and just, order the payment thereof, or such parts as they may have found correct and just, to be paid out of the fund created by the per capita tax on dogs; and such claims as may have been allowed in whole or in

Witnesses.

Fees of witnesses. Oath of claimant and witness. Employe or tenant.

Hearing, allowance, indorsement, transmission and record of claims.

Examination and order for payment.

Payment.

part, may be paid at any regular quarterly session of such commissioners; and provided, that if such fund is insufficient to pay all such claims in full, they shall be paid pro rata; and if, after paying all such claims, at the June session, there remain more than one thousand dollars of such fund, the excess, or a part thereof, may be transferred to the school fund, the county agricultural society, the bridge fund or to the fund for the relief of indigent soldiers, at the discretion of the county commissioners; but in Cuyahoga county, so much of the excess as may be required may be appropriated to the payment of the amount authorized by the second section of the act relating to industrial schools or children's homes, passed April 24, 1877; and provided, further, that in counties having therein a city of the third grade of the first class in which there exists a society "to prevent cruelty to animals," organized under chapter 12, title 2 of the Revised Statutes, the said excess shall be paid over to the treasurer of said society; and provided further, that in any county having at the last federal census or which at any subsequent federal census may have a population of not less than 33,930 nor more than 33,950 the said excess shall be paid annually over to the treasurer of the agricultural society of said county to be expended by said society in the payment of its present existing indebtedness, and provided further that in Morgan county the said excess shall be annually paid over to the treasurer of the agricultural society of said county to be expended for the payment of its present existing indebtedness for the period of five years; all accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of state, and which blanks shall be furnished by the county commissioners.

When fund insufficient; transfer of excess.

Cuyahoga county.

Lucas county.

Fairfield county.

Morgan county.

Blanks for accounts, affidavits and testimony.

SECTION 2. That section 4215, as amended March 22, 1892, and as amended April 27, 1893, as amended May 2, 1894, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

91G

[Senate Bill No. 144.]

AN ACT

To amend section 4761 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4761 be amended so as to read as follows:

Turnpikes:

Ascertainment
and adjustment
of compensation
and damages to
land-owners.

Filing of
amount tend-
ered and costs
in certain pro-
ceedings.

Location upon
state, county or
township
road, etc.

Repeals, etc.

SEC. 4761. When said commissioners and the owner or owners fail to agree as to the amount of compensation and damages, then the same shall be ascertained and determined by the board of county commissioners, and if said board of county commissioners and the owner or owners fail to agree as to the compensation and damages, or when the owner is unknown, non-resident, or incapable of contracting, then the same shall be ascertained and adjusted by proceedings had in the name of the county commissioners, under the law providing for the appropriation of private property by corporations; provided, however, when any owner or owners not unknown, or not non-residents, or not legally incapacitated from entering into a contract, and said commissioners fail to agree as aforesaid, they shall cause to be filed with the proceedings brought in the name of the county commissioners the amount of compensation and damages by them tendered in writing to such owner or owners, and unless said owner or owners shall be allowed by the jury in said proceedings compensation and damages in excess of the amount allowed and tendered by said commissioners, then said owner or owners shall pay all costs made in said proceedings in the name of the board of county commissioners; and the county commissioners may authorize the viewers or commissioners by them appointed to locate the road upon the whole or any part of any state, county, or township road hertofore laid out and established within the county, and widen, alter, change, or vacate the same, or any part thereof, subject to the rules as to compensation or [for] property appropriated as aforesaid.

SECTION 2. That said original section 4761 is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

92G

[Senate Bill No. 156.]

AN ACT

Authorizing the auditor of state to issue a duplicate warrant on the state treasury.

Duplicate war-
rant in favor of
Selwyn N. Owen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the auditor of state is hereby authorized to issue duplicate warrant in favor of Selwyn N. Owen, chairman of state board of arbitration, for twenty-five dollars. Said original warrant No. 4292, issued April 3, 1895, was lost in transmission, and never reached the payee nor otherwise appeared.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

93G

[House Bill No. 153.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio as amended April 24, 1893, be and the same is hereby supplemented as follows:

County commis-
sioners:

SEC. 897r. That in counties which by the federal census of 1890 had a population of not less than 24,885 nor more than 24,915 each county commissioner, from and after the passage of this bill [act,] shall receive a salary of eight hundred (\$800) dollars per annum payable in monthly instalments out of the county treasury upon the warrants of the county auditor. And in such counties the said county commissioners shall devote all their time or so much thereof as may be necessary to attend to all and singular the duties required of them as such commissioners to protect the best interest of the people of such counties, and said commissioners shall not receive any additional compensation, directly or indirectly by way of expenses, mileage or otherwise except when traveling outside of their said county on official business at which times they shall be paid the necessary expense incurred in the discharge of their duties, an itemized statement of which shall be prepared in writing and approved by the probate judge and prosecuting attorney of the county and paid as above provided.

Salary, duties
and expenses in
Williams
county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

94G

[House Bill No. 333.]

AN ACT

To amend section 1 of an act passed April 25, 1893 (O. L., 90 v., pages 301, 302, 303 and 304), entitled "An act to amend sections 4240-2, 4240-3, 4240-4, 4240-5, 4732 and 4732a of the Revised Statutes of Ohio" as passed February 14, 1884 (81 v., p. 17), and February 26 (81 v., p. 26).

Supervisors and
road work:

Destruction of
Canada or Rus-
sian thistles,
wild lettuce or
wild mustard
growing on
lands in town-
ships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4732 of the Revised Statutes of Ohio, passed February 21, 1884 (81 v., 22), February 14, 1884 (81 v., 17), and February 26 (81 v., 26), and amended April 25, 1893, be amended so as to read as follows:

SEC. 4732. The trustees of any township of this state upon information in writing, that Canada or Russian thistles, wild lettuce or wild mustard are growing on any lands in their township, and are about to spread or mature seed between the first day of June and the fifteenth day of October of each year, said trustees shall cause notice in writing to be served upon the owners, lessee, agent or tenant having charge of any such lands notifying such owner, lessee, agent, or tenant that Canada or Russian thistles, or other noxious weeds mentioned in this section, are growing on such lands, and that such Canada thistles, or other noxious weeds, shall be cut and destroyed within five days after the service of such notice; and in default thereof, the said township trustees shall enter upon such lands and cut and destroy such thistles, or other noxious weeds; and that the cost of cutting the same with the cost of such notice, will become a lien against said lands. Any constable or deputy, marshal of any city or village, or deputy, is hereby authorized to make service and return of any such notice, and the fees of such service and return shall be the same as are allowed for service and return of summons in civil cases before magistrates. If any owner, lessee, agent or tenant having charge of any such lands shall fail to comply with such notice, the township trustees shall cause said thistle or other noxious weeds aforesaid to be cut and destroyed, and may employ any person to perform such labor, and allow such person fifteen cents per hour for the time occupied in performing such labor, and pay the sum for such labor out of any money in the treasury of said township not otherwise appropriated, and take receipt for the same. Said township trustees shall make return in writing to the board of commissioners of their county, with a statement of the charges for their services, the amount paid to the person for performing such labor, together with the fees of the officers who made the service of notice and return with a proper description of the premises; and the same having been allowed, shall be entered upon the tax duplicate, and shall be a lien against said lands, from and after the date of such entry on the duplicate, and shall be collected as other taxes, and returned to the township with the general fund.

SECTION 2. That section 4732 as amended April 25, 1893 (O. L., 90 vol., p. 302), is hereby repealed. Repeals..

SECTION 3. This act shall take effect and be in force from and after the first day of May, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

95G

[Senate Bill No. 17.]

AN ACT

To supplement section 3643 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3643 of the Revised Statutes be supplemented as follows:

SEC. 3643a. It shall be unlawful for any insurance company doing business in this state, to insert, or cause to be inserted, any condition in any policy of insurance issued in this state, upon property therein, any clause prescribing that the insured shall carry any given per cent. of insurance upon insured property, or in case the assured failed to do so, he shall be held to be a coinsurer to the amount of the difference between the insurance carried and the amount required to be carried, by any per cent. clause set out in any policy of insurance; and any insurance company violating this section, the superintendent of insurance shall forthwith revoke and recall the license or authority of it to do or transact business within this state, and no renewal of authority shall be granted to it for three years after such revocation; and it shall thereafter be prohibited from transacting any business in this state until again duly licensed and authorized. Provided, that the provisions of this section shall not apply to railroad or marine insurance.

Insurance companies other than life:

Insertion of co-insurance clause in policy unlawful.

Penalty for violation.

Railroad or marine insurance.

SECTION 2. This act shall take effect and be in force from and after April 1, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

96G

[House Bill No. 256.]

AN ACT

To authorize certain cities to issue bonds for public library purposes.

Public library
bonds of certain
cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade or of any city excepting cities of the second class, third grade "a," which according to the federal census of 1890 had, or which according to any subsequent federal census shall have not less than 27,000 nor more than 34,000 inhabitants, may issue and sell their bonds for the purpose of purchasing the real estate for a public library building and the erecting of a public library building thereon in any sum not exceeding \$125,000, in denominations not exceeding \$1,000 and not less than \$100 each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and payable at any time not more than twenty-five years from the date of their issue, as such council may determine. Such bonds shall be known as "public library bonds" and shall not be sold for less than their par value, and in all respects not herein provided for their issuance and sale shall be in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

Tax to pay in-
terest and prin-
cipal.

SECTION 2. To pay the interest and principal upon such bonds as the same shall become due, such council shall, annually levy upon all the taxable property of such city, a tax sufficient in rate and amount to pay the interest and to provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied for any and all other purposes. Such taxes shall be levied and collected as other taxes of such cities.

Submission of
question to
voters.

SECTION 3. Before any bonds are issued or taxes levied as hereinbefore provided, the question of issuing said bonds shall be submitted to the voters of the city at a general or special election, and whenever the council of said city shall, by resolution, declare it necessary to issue and sell the bonds of said municipal corporation for the purpose hereinbefore mentioned in any amount specified in such resolution not exceeding the amount hereinbefore provided and shall by such resolution fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of the municipality and shall cause a copy of such resolution to be certified to the board of elections of said city and such board of elections shall, within ten days thereafter, proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of said municipal corporation at the time fixed in said resolution. Such election, if held at the time of a general election, shall be held at the regular place or places of voting in such municipality and shall be conducted, canvassed and certified in the same manner, except

as otherwise provided by law, as April elections in such municipal corporations for election of officers thereof; but when a special election for such purposes is held in a municipal corporation, divided into wards, there shall be but one voting place in each ward which shall be designated by the board of elections of such city, and a notice hereinafter provided for, shall designate the voting place in each ward. In all cities in which registration is required, certificates of removal shall not be necessary, except when transfers are required from one ward to another and the board of elections of all such cities shall issue all such removal certificates. Thirty days' notice of the submission shall be given in two or more newspapers printed and of general circulation therein once a week for three consecutive weeks, stating the amount of bonds to be issued the purpose for which they are to be issued and the time and place of holding the election, and if a majority of the voters, voting at such election, upon the question of issuing the bonds, vote in favor thereof, then, and not otherwise, the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots (For issue of bonds for public library purposes) and those who vote against the same shall have written or printed on their ballots the words (Against issue of bonds for public library purposes).

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1896.

97G

[House Bill No. 68.]

AN ACT

For the establishment and government of a state naval militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be allowed, in addition to companies of the national guard of the state of Ohio as now provided by law, not more than eight companies of naval militia, which shall constitute two battalions, to be known as the naval brigade of the national guard of Ohio, each company to be known as a division and designated by a number.

Naval brigade
of the national
guard of Ohio.

SECTION 2. In time of peace there shall not be maintained more than four [two] such battalions organized as herein provided; but the commander-in-chief shall have the power, in case of war, insurrection, invasion or imminent danger thereof, to increase the force beyond the limit of

Force in time of
peace, power to
increase, organ-
ize, alter, annex
divide, consoli-
date or disband.

four [two] such battalions, and to organize the same as the exigencies of the service may require. The commander-in-chief may alter, annex, divide, consolidate or disband the naval battalions or any division thereof, whenever, in his judgment, the efficiency of the state service will be thereby increased.

Brigade officers.

SECTION 3. The officers of this brigade shall consist of one captain, who shall be chief of brigade, and a staff to consist of one commander as chief of staff and executive officer; one lieutenant as brigade-adjutant and chief navigating officer; one lieutenant as chief signal, ordnance and equipment officer; one paymaster; one surgeon; one chief engineer of the relative rank of lieutenant; and one ensign as signal officer. The officers shall be chosen and commissioned as soon as two battalions are completely organized.

Battalion officers.

To each battalion there shall be one lieutenant-commander who shall command the same; and a staff consisting of one lieutenant as battalion-adjutant and executive officer; one lieutenant as navigating, ordnance and equipment officer; one ensign as signal and assistant navigating officer; one surgeon and one paymaster of the relative rank of lieutenant-junior grade; and one assistant surgeon of the relative rank of ensign. Each battalion shall consist of not less than two nor more than four divisions or companies.

**Constitution of battalion.
Division officers.**

To each division there shall be one lieutenant to command the same, one lieutenant-junior grade, and one ensign. Each part of a battalion not in the same county of the state of Ohio as the battalion headquarters shall be allowed one assistant surgeon of the relative rank of ensign, and one additional ensign for each division.

Constitution of division.

In addition to the above officers each division shall consist of forty-four petty officers and seamen as a minimum and eighty-four petty officers and seamen as a maximum. Each division shall contain at least four men who have a practical knowledge of electricity, and four others with a practical knowledge of the construction and management of steam machinery.

Petty officers.

To the brigade staff and to each division and battalion of the brigade there shall be allowed such and so many petty officers as the commander-in-chief may from time to time determine.

How officers chosen or appointed and qualified.

SECTION 4. Commissioned and petty officers of the naval militia shall be chosen or appointed and shall qualify as required by the existing military code of Ohio for officers and non-commissioned officers of the same relative rank of the Ohio national guard.

Uniforms.

SECTION 5. The naval brigade shall be uniformed after a proper naval manner as the commander-in-chief shall direct, out of any appropriations that may be made for that purpose; the uniform shall be similar to that of the U. S. navy, with some distinctive mark to indicate the state.

Annual performance of duty.

SECTION 6. The naval militia shall perform the same amount of duty each year as required of the national guard except such duty or any part of it may be performed afloat.

SECTION 7. Officers and enlisted men of the naval militia shall receive the pay of the same relative rank of officers and enlisted men of the Ohio national guard, but they shall not receive any compensation from the state for duty performed by way of instruction or drill or otherwise, for which they shall receive compensation from the United States. Marshals of naval courts shall receive the same compensation as marshals of similar courts in the national guard.

Pay.

SECTION 8. The rank given in this act is naval rank. The relative rank of officers in the naval militia and in the national guard is as follows: Captain with colonel; commander with lieutenant-colonel; lieutenant-commander with major; lieutenant with captain; lieutenant-junior grade with lieutenant; and ensign with second lieutenant. The relative position of seamen shall be that of private in the national guard and the relative position of petty officers in the naval militia and non-commissioned officers in the national guard shall be determined by the commander-in-chief. Seamen shall be rated of the first, second and third class by the battalion commanders, who shall [also] have power to disrate.

Relative rank of officers.

Relative position of seamen and petty officers.

Rating of seamen.

SECTION 9. Delinquency courts for enlisted men shall be appointed by the commanding officer of each battalion for his command. An officer of the naval militia, or judge-advocate of the national guard, may be assigned to act as judge-advocate of a general court-martial or court of inquiry. General courts-martial, courts of inquiry and delinquency courts for officers, may be wholly or partially composed of juniors in rank to the officer to be tried or investigated, where, in the judgment of the commander-in-chief, the interest of the service so requires. Boards appointed for the naval militia shall be composed of officers of such grade or rank as the commander-in-chief may determine for each occasion.

Delinquency courts, courts-martial, courts of inquiry and boards.

SECTION 10. In the case of a company or division not a part of an organized battalion, the power exercisable by the commanding officer of a battalion, including the power to appoint delinquency courts for enlisted men and assistant surgeon, shall vest in and be exercised by the captain of the naval militia, if there be one, and if not, the commander-in-chief.

Powers vested in captain or commander-in-chief in certain case.

SECTION 11. The system of discipline and exercise of the naval militia shall conform generally to that of the navy of the United States, prescribed by congress, except as otherwise provided in this act; all matters relating to the organization, discipline and government of the naval militia not otherwise provided for in this act, shall be decided by the custom and usage of the United States navy.

System of discipline and exercise; decision on matters relating to organization, discipline and government.

SECTION 12. The commander-in-chief is hereby authorized to make such rules and regulations from time to time as he may deem expedient for the government and instruction of the naval militia, but such regulations shall con-

Rules, regulations, articles and provisions for government and instruction.

form to this act and as nearly as practicable to those governing the United States navy; and when promulgated they shall have the same force and effect as the provisions of this act. The naval militia shall be subject to the articles and regulations for the government of the United States navy, and to the same extent as, and under the same circumstances as members of the national guard are subject to the articles of war and regulations for the government of the United States army. When not otherwise provided for the naval militia shall be governed by the provisions of the military code as applied to the national guard.

Armories.

SECTION 13. Armories of the naval militia shall be situated immediately on or near the navigable waters of the state, in such position as best to promote the efficiency of the service. The word "armory" as used in this act or any part of section 3085 Revised Statutes of Ohio, as now in force made applicable to the naval militia, shall be held to include a vessel anchored, moored or secured to the land while used only as an armory for the purpose of instruction, drill and defense.

Equivalence of division and battalion.

SECTION 14. The division of each battalion in the naval militia shall be considered the equivalent of companies of the national guard and the battalion shall be treated as battalions in the national guard not as a part of a regiment.

When companies may be raised.

SECTION 15. The companies composing the naval battalion may be raised as provided by law, when the United States government is ready to furnish arms and equipments, and, where practicable, a vessel of war for the performance of duty required by law.

Who shall be enrolled and perform duty; voluntary enlistment.

SECTION 16. All male citizens of this state being eighteen years of age and under forty-five years of age, and who are engaged in the navigation of the waters of the state and of the waters adjacent thereto, except persons exempt by law, shall be enrolled in the naval militia and perform military duty in the manner hereinbefore prescribed; provided, however, that nothing in this section shall prohibit any citizen not engaged in maritime pursuits from voluntary enlistment in the naval militia of the state of Ohio.

SECTION 17. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 31, 1896.

98G

[House Bill No. 332.]

AN ACT

To supplement section 4732 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4732 of the Revised Statutes be supplemented as follows:

SEC. 4732c. The trustees, constables, or road supervisors of any township in this state, upon information in writing that Russian thistles are growing on any lands in their township, between the first day of June and the fifteenth day of October of each year, shall forthwith cause notice in writing to be served upon the owner, lessee, agent, or tenant, that such Russian thistles shall be cut and destroyed within five days after the service of such notice; and in default thereof, such officer shall forthwith make complaint before any justice of the peace within the township, and any owner, lessee, agent or tenant, who shall be convicted of such default, shall be fined in a sum not less than five nor more than twenty dollars, and pay the cost of prosecution, and in such cases justices of the peace shall have final jurisdiction.

Supervisors and road work:

Destruction of Russian thistles growing on lands in townships; penalty for default; final jurisdiction.

SEC. 4732d. Any person who has personal knowledge that any Russian thistles are growing on any public highway or right of way of any steam or electric railroad company in any township of this state may notify in writing any trustee or road supervisor within the township such portion of said public highway or right of way of any steam or electric railroad company is situated and in case Russian thistles are found growing on the right of way of any steam or electric railroad company may notify the nearest agent or section foreman who has charge of such portion of such railroad, and such trustee, supervisors, agent or section foreman shall within five days after service of such notice cut and destroy such Russian thistle, or cause the same to be done; and in default thereof, such officer shall upon conviction before any justice of the peace of such township, be fined not more than twenty-five dollars, nor less than five dollars, and pay the costs of prosecution, and in such cases justices of the peace have final jurisdiction.

Destruction of Russian thistles growing on public highway or right of way of railroad company; penalty for default; final jurisdiction.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 1, 1896.

99G

[House Bill No. 390.]

AN ACT

To supplement section 3581, title 2, chapter 9, of the Revised Statutes of Ohio, relating to the purchase and holding of lands by cemetery associations.

Cemetery associations :

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3581 of the Revised Statutes of Ohio, be supplemented, with sectional numbering, as follows:

Acquisition or sale of land in county containing city of the second class; exemptions; return for taxation.

SEC. 3581a. The trustees of any cemetery company or association in any county containing a city of the second class, may purchase or take by gifts or devise, land for the sole and exclusive use of a cemetery, not exceeding three hundred acres in extent, and hold the same exempt from execution, and from appropriation for public purposes, two hundred acres of which shall be exempt from all taxation; and the trustees whenever in their opinion any portion of their lands is unsuitable for burial purposes, may sell such portions, and apply the proceeds thereof to the general purposes of the company or association; but upon such sales being made, the lands so sold shall be returned by the trustees to the auditor of the proper county, to be by him placed upon the grand duplicate for taxation.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 1, 1896.

100G

[House Bill No. 483.]

AN ACT

To amend an act passed May 9, 1894, entitled an act to prohibit the unlawful killing or transportation of quail.

Unlawful killing or transportation of quail, ruffed grouse or pheasant; evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall at any time kill any quail, ruffed grouse or pheasant, or any Mongolian, English, or any ring-neck pheasant, for the purpose of conveying the same beyond the limits of this state, nor for the purpose of sale in the markets of this state, or shall transport, or have in possession with intent to procure the transportation beyond said limits, any of such birds killed within this state. The reception by any person within this state of any such birds for shipment to a point without the state, shall be prima facie evidence that said birds were killed within the state for the purpose of carrying the same beyond its limits.

SECTION 2. Any person violating any of the provisions of the preceding section, shall be fined as provided in section sixty-nine hundred and sixty-eight.

Penalty for violation.

SECTION 3. That an act passed May 9, 1894 (O. L., 91 vol., p. 210), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 1, 1896.

101G

[House Bill No. 484.]

AN ACT

To amend section 6964 of the Revised Statutes of Ohio (as passed April 6, 1882, vol. 79, page 74), as amended February 26, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6964 of the Revised Statutes of Ohio (as passed April 6, 1882, vol. 79, page 74), as amended February 26, 1896, be so amended as to read as follows:

Offenses against public policy:

SEC. 6964. Whoever purchases, sells, exposes for sale, or has in his possession any quail, wild turkey and [or] ruffed grouse, except between the 10th day of November and the 15th day of December, inclusive; or any squirrel, dove, prairie-chicken, except between the 1st day of September and the 15th day of December, inclusive, or any woodcock except between the fourth of July and the fifteenth day of November inclusive, or any snipe, rail, killdeer, plover, coot or mud-hen, or any wild duck, except between the 1st day of September and the 10th day of April inclusive or any Mongolian pheasant, ring-neck or English pheasant before the 10th day of November, 1900; or after that date, except between the 10th day of November, and the 15th day of December, inclusive; or any of the song or insectivorous birds mentioned in section 6960, shall be fined as provided in section 6968; provided that the provisions of this act shall not be construed as applicable to any common carrier into whose possession any of the birds, game or animals herein mentioned shall come into the regular course of their business for transportation, whilst they are in transit through this state from any place without this state where the killing of said birds, game or animals shall be lawful, but nothing in the provisions of this act shall prevent any one having in his possession wild deer during the time when the killing thereof is made penal.

Penalty for unlawful purchase, sale, exposure or possession of certain birds or game.

Common carrier.

Wild deer.

Repeals, etc.

SECTION 2. Said original section 6964 as amended February 26, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 1, 1896.

102G

[House Bill No. 485.]

AN ACT

To amend section 6961 of the Revised Statutes of Ohio as amended March 18, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6961 of the Revised Statutes of Ohio, be so amended as to read as follows:

Offenses against public policy:

Penalty for unlawful catching, killing, injuring or pursuing of game, destroying eggs or nests, hunting, shooting, trapping, etc.

SEC. 6961. No person shall, on any place, catch, kill, or injure, or pursue with such intent any quail except between the 10th day of November and the 15th day of December, inclusive; or any prairie-chicken, rabbit, or squirrel, except between the 1st day of September and the 15th day of December, inclusive, or any woodcock, except between the 4th day of July and the 15th day of November inclusive, or any rail, snipe, killdeer, plover, coot or mud-hen, or any wild duck except between the first day of September and the 10th day of April inclusive. No person shall, at any time, catch, kill or injure, or pursue with such intent, any wild duck or wild goose by the aid or use of any swivel or punt-gun, or any other gun than a common shoulder-gun; or with the aid of, or from any sink-boat or battery, or by the use or aid of any steamboat, naphtha-launch, electric launch, sail-boat, steam-launch, or any kind of boat whatsoever, except a common rowboat, propelled by oars. No person shall, at any time, catch, kill or injure, or pursue with such intent, any of the birds, game or animals mentioned in this act, with or by the use of any trap, net or snare, or destroy any of the eggs or nests of any of the birds named in this section. No person shall kill any wild duck on Sunday, Monday or Tuesday of any week, on any of the reservoirs belonging to the state of Ohio, or in or upon the waters of Lake Erie, and the estuaries and bays thereof; but nothing herein shall be so construed as to authorize the killing, catching or pursuing with such intent, any wild duck on Sunday. No person shall hunt or shoot or trap, or have in possession in the open air for such purpose, the implements for the hunting, shooting or trapping of the same, on the first day of the week, called Sunday. No person shall shoot at or kill any wild duck before six o'clock in the forenoon, or after five o'clock in the afternoon, of any day. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined as

provided in section 6968. Provided that nothing herein shall be construed so as to prohibit the killing of rabbits or squirrel by the owner or tenant of any premises where such animals are found injuring grain, fruit-trees, shrubbery or vegetables.

Injurious rabbit or squirrel.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section 6961, as amended March 18, 1890, be and the same is hereby repealed.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
Passed April 1, 1896. 103G

[House Bill No. 486.]

AN ACT

To amend section 6963 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6963 of the Revised Statutes of Ohio be so amended as to read as follows:

Offenses against public policy:

SEC. 6963. No person shall catch, kill or injure, or pursue with such intent, any deer, Mongolian, English or ring-neck pheasant, before the 10th day of November, 1900; or after said date, except between the 10th day of November and the 15th day of December, inclusive. Provided that nothing herein shall prevent persons from having in possession Mongolian, English or ring-neck pheasants, or deer in private inclosures for the purpose of domestication or propagation. And any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined as provided in section 6968.

Penalty for unlawful catching killing, injuring or pursuing of deer or pheasant; domestication or propagation.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section 6963, as amended March 5, 1883, be and the same is hereby repealed.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
Passed April 1, 1896. 104G

[House Bill No. 487.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 be enacted as supplementary to section 897 of the Revised Statutes as follows:

County commissioners:

Duties, salary
and expenses in
Muskingum
county.

SEC. 897*t*. In counties which by the last preceding federal census had a population of not less than 51,210 nor more than 51,220, or which at subsequent federal census, may have such population, each county commissioner shall devote his entire time to the duties of his office, or so much thereof as may be necessary to attend properly to the duties of his office, and shall receive a salary at the rate of twelve hundred (\$1,200) dollars per annum to be paid in equal monthly instalments upon the warrant of the county auditor, said salary shall be in full payment for all services rendered, mileage or expense incurred, except, when traveling on official business outside the county, each commissioner may in addition to such salary receive his actual expenses and no more, which before being paid shall be presented in an account and approved in writing by the probate judge and prosecuting attorney.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 1, 1896.

105G

[Senate Bill No. 195.]

AN ACT

To amend section 3453 of the Revised Statutes of Ohio.

Union depot
companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3453 of the Revised Statutes of Ohio, be amended so as to read as follows:

Power to borrow
money and is-
sue, secure and
sell notes or
bonds.

SEC. 2 [3453]. Any such company shall have power to borrow money for the purpose of raising means to carry out the powers conferred by the act authorizing the incorporation of union depots without reference to the amount of stock of such company, and may issue coupon or other bonds payable to bearer, bearing interest not exceeding the highest contract rate of interest which may be allowable in this state, at the time; such interest to be payable semi-annually, and such company may also mortgage its franchises, property and revenues of every kind, then owned or subsequently to be acquired, to secure the payment of such loan and interest, or of such bonds and interest; and the stockholders of such company may guarantee the payment of any notes or bonds the company lawfully issues, and it may dispose of the same at such rate of premium or discount, as the directors may deem best for its interests.

SECTION 3. That said original section 3453 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 3, 1896.

106G

[House Bill No. 27.]

AN ACT

To amend section 621 of the Revised Statutes, as amended
May 18, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 621 of the Revised Statutes of Ohio be amended so as to read as follows:

Justices of the
peace:

SEC. 621. Justices of the peace for service rendered shall be entitled to the following fees: For summons for each defendant named in the writ, twenty-five cents; for order of arrest, *capias*, writ of attachment, writ of replevin or mittimus, forty cents; for each subpoena for one person, twenty-five cents; for each person in addition named in the subpoena, five cents; for venire for jury, forty cents; for issuing execution, forty cents; for warrant in criminal cases, for each person named in the writ, forty cents; for each search-warrant, forty cents; for writ of restitution, forty cents; for taking and certifying affidavits, forty cents; for order on jailer for prisoner or prisoners, forty cents; for entering a discontinuance or satisfaction, twenty cents; for entering bond or undertaking by either party, forty cents; for filing papers necessary to be preserved by justice, five cents each; for each recognizance of bail in civil causes, forty cents; for bill of exceptions and copy, fifteen cents for each one hundred words; for certifying the same, twenty-five cents; for transcript from docket fifteen cents per hundred words and for certifying the same, twenty-five cents; for appointing guardian for minor to prosecute suit, twenty-five cents; for appointing special constables or appraisers, forty cents each; for taking recognizance of a witness, forty cents; for each additional witness, ten cents; for each recognizance of bail in criminal causes, forty cents; for each continuance or adjournment by either party, twenty cents; for entering a rule of reference or copy thereof, fifteen cents; for swearing witnesses or arbitrators, five cents each; for entering judgment, forty cents; for acknowledging deeds or other instruments of writing with a certificate thereon, forty cents; for sitting in the trial of any cause, civil or criminal, where a defense is interposed, whether tried to the justice or to a jury, one dollar; for judgment on the docket, fifteen cents; for collections made upon judgments, if not paid within ten

Fees of justices
of the peace.

days after rendition of same, or within ten days after stay of execution, if such stay is taken, the same fees as are allowed by section 622 of the Revised Statutes to constables for money paid on execution; for taking depositions and certifying the same, ten cents per hundred words; for marrying and making return, two dollars; for taking and certifying proof of any account or claim against the estate of testators or intestates, twenty-five cents; for each process required by law not herein named, forty cents; for each writing or record not herein provided for, fifteen cents per hundred words; and all justices of the peace and notaries public shall upon request administer and certify to all oaths required in the procurement of bounties and pensions and payment of pensions, and they shall be entitled to charge and receive for each oath so administered and certified the sum of ten cents.

Repeals.

SECTION 2. That section 621 of the Revised Statutes of the state of Ohio as amended May 18, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

107G

[House Bill No. 304.]

AN ACT

To prohibit the playing of games on decoration day during the memorial exercises.

Penalty for unlawfully engaging in playing of public game on decoration day.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever engages in the playing of any public games on decoration day during the rendition of the program, within a radius of one mile from the speaker's stand, shall be guilty of a misdemeanor, and be fined in any sum not exceeding twenty-five dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

108G

[House Bill No. 480.]

AN ACT

To provide for a professional certificate for teachers of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4073 of the Revised Statutes of Ohio be amended to read as follows:

SEC. 4073. The board may grant certificates for one, two and three years from the day of examination, which shall be valid in the county wherein they are issued, except in city and village districts that have boards of examiners, in which they shall not be valid; and the examiners may grant certificates for five years to such applicants as in addition to the necessary qualifications have been for three years next preceding their application engaged in teaching, twelve months of which experience shall have been in one place; and such certificates for five years shall be renewable upon the same condition, but without examination, at the discretion of the examining board; and the examiners may grant certificates for eight years from the date of examination, to such applicants as, in addition to the necessary qualifications, hold or have held a certificate for five years, and have been for three years next preceding their application engaged in teaching, eighteen months of which experience shall have been in one place; and the applicants for such certificates for eight years, in addition to the other qualifications, shall be required to pass a satisfactory examination in botany, algebra, natural philosophy and English literature; and such certificate for eight years shall be renewable upon the same conditions, but without examination, at the discretion of the examining board; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; and when any recipient of a certificate is charged with intemperance, or other immorality, the examining board shall have power to send for witnesses and examine them on oath or affirmation touching the matter under investigation. The fees and other expenses of such trial shall be certified to the county auditor by the clerk and president of the examining board, and be paid out of the county treasury upon the order of the auditor.

County exam-
iners:

Granting, valid-
ity, renewability
and revocation
of certificates.

Investigation of
teachers.

Expenses.

SECTION 2. Said original section 4073 (85, O. L., 331) is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

109G

[House Bill No. 467.]

AN ACT

To further supplement section 897 of the Revised Statutes of Ohio.

County commis-
sioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897 of the Revised Statutes of Ohio, as amended April 24, 1893, be, and the same hereby is supplemented as follows:

Salary, duties
and expenses in
Stark county.

SEC. 897u. That in counties which by the federal census of 1890 had a population of not less than 84,150, and not more than 84,200, each county commissioner from and after April 1, 1896, shall receive a salary of fifteen hundred dollars per annum, payable in monthly instalments, out of the county treasury, upon warrants of the county auditor, and in such counties, the said county commissioners shall devote all their time to the duties of the office, and said commissioners shall not receive any additional compensation, directly or indirectly, by way of expense, mileage, or otherwise, except when traveling outside of their said county on official business, at which times they shall be paid the necessary expenses incurred in the discharge of their duties and no more, an itemized statement of which shall be prepared in writing and approved by the prosecuting attorney and probate judge of the county, and paid as above provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

110G

[House Bill No. 583.]

AN ACT

To prohibit obstructing the view of persons in theaters, halls or opera-houses where theatrical performances are given.

Penalty for per-
mitting wearing
of view-obstruc-
tive head-gear
during pay-per-
formance in
theater, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any owner, lessee, proprietor or manager of any theater, hall, opera-house, or any such building where theatrical or other performances are given, when an admission fee is charged, who permits or suffers any person attending such performance, to wear upon his or her head, any hat, bonnet, or covering for the head, which may obstruct the view of any person or persons during the performance in such theater, hall, opera-house or building where such performance is given, shall be guilty of a misdemeanor, and shall upon conviction be fined not more than ten or less than two dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

111G

[Senate Bill No. 14.]

AN ACT

To prevent corrupt practices at elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no candidate for representative in the congress of the United States, or for any public office created by the constitution or laws of this state to be filled by popular election, shall, by himself or by or through any agent or agents, committee or organization, or person or persons whatsoever, in the aggregate, pay out, give, contribute, or expend, or offer or agree to pay, give, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election; or both such nomination and election, or to secure or aid in securing to defeat or aid in defeating the nomination or election, or both the nomination and election, of any other person or persons to any office to be voted for on the day of the same election; or in support of or opposition to any measure or proposition submitted to popular vote upon the day of the same election, in excess of a sum to be determined upon the following basis, namely: For five thousand voters or less, \$100.00; for each one hundred voters over five thousand and under twenty-five thousand, \$1.50; for each one hundred voters over twenty-five thousand and under fifty thousand, \$1.00; and nothing additional for voters over fifty thousand. Any payment, contribution, or expenditure, or agreement or offer to pay, contribute or expend any money or thing of value, in excess of the limit prescribed by this act, for any or all such objects and purposes, is hereby declared to be unlawful, and to make void the election of the person making it. But this section shall not apply in cases where such nomination of such candidate, or of any rival candidate for the same office, shall have been made prior to the taking effect of this act.

Candidate's permissible expenditures.

Excess unlawful and invalidates election.

Prior nomination.

SECTION 2. The number of voters shall be taken as equal to the total number of votes cast, for all the candidates for the office for which he is a candidate, at the last preceding election held to fill the same; and if at such last preceding election there shall have been more than one like office to be filled, so that it can not be determined who were the candidates for that particular office, then the

Ascertainment of number of voters.

number of voters shall be ascertained by adding together all the votes cast for all the candidates for such offices and dividing the sum by the number of such offices. Should no election to fill the office for which such person is a candidate have been previously held, the number of vote[r]s shall be ascertained by the total number of votes cast within the constituent territory at the last preceding election for state officers for all the candidates for the state office for which at such last preceding election the largest aggregate vote was cast within the state; and should it be impracticable on account of change of boundaries to determine from returns of such last preceding election the exact number of votes so cast within such territory, the board, officer or officers whose duty it may be to receive and canvass the returns of the election at which such person is or seeks to be a candidate shall determine the number according to their best judgment upon request of any elector, and the number so determined shall be taken to be the true number.

Statements of
candidate for
nomination.

SECTION 3. Every person who shall be a candidate before any caucus or convention, or at any primary election, for nomination for any office which under the constitution or laws of this state is to be filled by popular election, or for the office of representative in the congress of the United States, shall within ten days after the holding of such caucus, convention or primary election make out a statement in writing and file the same with the clerk of the county in which he resides, and make out and file a duplicate thereof with the board, officer or officers, if any, empowered by law to issue the certificate of election to such office. Such statement shall set forth in detail each and all sums of money and other things of value contributed, disbursed, expended or promised by him, and (to the best of his knowledge and belief) by any other person or persons with his procurement in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination to such office or place, or in endeavoring to secure or defeat or in any way in connection with the nomination of any other [person] or persons at such caucus, convention or primary election and showing the dates when and the persons by whom and to whom, and the purposes for which each such contribution, payment, expenditure or promise was made, and such candidate shall subscribe and swear to such statement and such duplicate before an officer authorized to administer oaths. The form of such affidavit to be appended to each such statement, and to each duplicate statement and signed by the candidate, shall be in substance, as follows:

Form of affi-
davit to state-
ments.

I,, do solemnly swear (or affirm) that the foregoing statement is a true and full account of each and all sums of money and other things of value directly or indirectly contributed, disbursed, expended or promised by me, and (to the best of my knowledge and belief) by any and all other persons with my procurement in my behalf,

wholly or in part in endeavoring to secure, or in any way in connection with, my nomination to the office or place of , or in endeavoring to secure or defeat or in any way in connection with the nomination of any other person or persons at the caucus, convention or primary election before which I was a candidate for nomination to the office or place aforesaid; and that it is a true and full statement of the dates when, and the person or persons to whom, and the purposes for which, each such contribution, payment, expenditure, or promise, was made, and the person or persons by whom made when not made directly by myself.

(Signature of candidate.)

SECTION 4. Every person who shall be a candidate at any election for any public office which under the constitution or laws of this state is to be filled by popular election, or for the office of representative in the congress of the United States, shall within ten days after the election held to fill such office, make out a statement in writing and file the same with the clerk of the county in which he resides and make out and file a duplicate thereof with the board, officer or officers, if any, empowered by law to issue the certificate of election to such office or place. Such statement shall set forth in detail each and all sums of money and other things of value contributed, disbursed, expended or promised by him, and (to the best of his knowledge and belief) by any other person or persons by his procurement, in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his election to such office or place, or in endeavoring to secure or defeat or in any way in connection with the election of any other person or persons to any office to be voted for on the same day of election or in support of or opposition to any measure or proposition submitted to popular vote upon the same day of election, and showing the dates when, the persons by and to whom and the purposes for which each such contribution, payment, expenditure or promise was made. Such candidate shall subscribe and swear to such statement and such duplicate before an officer authorized by law to administer oaths. The form of such affidavit to be appended to each statement and to each duplicate statement and signed by the candidate shall be in substance as follows:

Statements of
candidate for
election.

Form of affi-
davit to state-
ments

I, , do solemnly swear (or affirm) that the foregoing statement is a true and full account of each and all sums of money and other things of value directly or indirectly contributed, disbursed, expended or promised by me, and (to the best of my knowledge and belief) by any and all other persons with my procurement in my behalf, wholly or in part in endeavoring to secure, or in any way in connection with, my election to the office or place of or in endeavoring to secure or defeat or in any way in connection with the election of any other person or persons to any office to be voted for on the same

day of election, or in support of or opposition to any measure or proposition submitted to popular vote upon the same day of election; and that it is a true and full statement of the dates when, and the person or persons to whom, and the purposes for which, each such contribution, payment, expenditure, or promise, was made, and the person or persons by whom made when not made directly by myself.
(Signature of candidate.)

Penalty for failure of candidate to file statements; recovery and disposition.

SECTION 5. Any person failing to comply with the provisions of the third section or of the fourth section of this act, shall be liable to a fine not exceeding one thousand dollars, to be recovered with costs, in an action brought in the name of the state by the attorney-general or by the prosecuting attorney of the county of the candidate's residence, the amount of said fine to be fixed within such limit by the jury, and to be paid into the school fund of said county.

Prerequisite to issue of commission or certificate of election, entrance upon duties or receipt of salary.

SECTION 6. No board, officer or officers authorized by law to issue commissions or certificates of election shall issue a commission or certificate of election to any person required by the third or fourth section hereof to file a statement or statements until such statement or statements shall have been so made, verified and filed by such person with such board, officer, or officers. No person required by the foregoing sections of this act to file a statement or statements shall enter upon the duties of any office to which he may be elected until he shall have filed all statements and duplicates provided for by the foregoing sections of this act, nor shall he receive any salary or emolument for any period prior to the filing of the same.

Application setting forth charges against public officer; accompanying bond.

SECTION 7. At any time during the term of office of any occupant of an office created by the constitution or laws of this state to be filled by popular election and hereafter filled by such election, pursuant to the constitution or laws of this state (other than the office of member of either house of the general assembly or of the congress of the United States), any elector entitled to vote at such election may present an application in writing, verified by his affidavit, to the attorney-general, setting forth one or more of the following charges against such public officer, to wit: That such officer in seeking nomination or election, or both, to such office violated one or more of the provisions of the foregoing sections of this act by expending, contributing or promising or offering an amount in excess of the sum allowed by this act; or that such officer wilfully stated an untruth in some one or more of the statements and duplicates and affidavits made and filed by him pursuant to this act after such nomination or election; or that any other act or acts declared unlawful or made punishable by any law of this state were committed by such officer, or by his agent or agents, or with his or their consent or connivance by some committee, or organization, or political party of which party he was the nominee, or the agent or agents of

any such committee, organization or party, with intent to secure or promote his nomination or election; and further setting forth that the applicant desires said attorney-general to bring an action to have such public office declared vacant on account of such violation or violations of law, and such application shall be accompanied by a bond in favor of the state of Ohio in the penal sum of one thousand dollars, subscribed by two sureties, who shall justify as freeholders of the state and in double the amount of such penalty exclusive of all their debts and liabilities and property exempt by law from levy and sale on execution, such bond to be conditioned for the payment of all the taxable costs for which the state, such applicant, or such occupant of such office may become liable on account of such action, if none of such charges shall be sustained therein.

SECTION 8. It shall be the duty of the attorney-general within ten days after the receipt of such application and bond, to begin an action against such public officer, or to instruct the prosecuting attorney of the county in which such public officer resides, to bring such action within ten days after such instruction, to have said office declared vacant, and for such other and further relief as may be appropriate in an action against the usurper of any office. Such action shall be deemed to be, and shall be, conducted according to the rules prescribed by law for an action against the usurper of an office, and it shall be the duty of any prosecuting attorney to bring such action within ten days after the receipt of such notice from the attorney-general.

Action against
such officer.

SECTION 9. In case such action shall not be brought by either the attorney-general or prosecuting attorney within the time limited by the eighth section of this act, it shall be lawful for the applicant to bring such action at his own expense and by his attorney or attorneys, but in such action so brought by such applicant no recovery for costs and disbursements shall be had against the state; provided that in any case whether instituted by the prosecuting attorney or attorney-general or by the applicant in person, if the court shall at any time pending such action find the bond given as aforesaid inadequate in amount to cover the costs accrued, or likely to accrue, in the cause, or shall find any surety or sureties thereon insufficient, additional bond or other sureties may be required by the court to be given within such time and upon such terms as the court may order, and upon [the] failure to comply with any such order of the court such action may be dismissed at the costs of the applicant and his sureties.

Action at appli-
cant's expense;
additional bond
or other
sureties.

SECTION 10. Such action, whether brought by the attorney-general, the prosecuting attorney or the applicant, shall have the preference on the docket of any court of the state in which the same shall be pending over all other civil actions whatever.

Preference of
action on
docket.

Judgment; vacancy in office.

SECTION 11. If it shall be determined in any such action that any one or more of the charges set forth in the petition has been sustained, judgment shall be rendered declaring void the election of such defendant to such office and ousting and excluding him from such office and declaring the office vacant, and such vacancy shall thereupon be filled in the manner provided by law or by the constitution of this state with relation to filling vacancies occurring in such office, and judgment shall also be rendered against such defendant for the costs of the action, but if no one of such charges be sustained, judgment shall be rendered against such applicant and his sureties on the bond or bonds for the costs of such action.

Incriminating or degrading testimony

SECTION 12. No person shall be excused from answering any question on trial of such action relating to any of the acts claimed to have been committed by any party thereto, or by any of the persons, committees or organizations mentioned or referred to in the seventh section of this act on the ground that such answer would tend to incriminate or degrade the person so testifying, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, and a person so testifying shall not be liable thereafter to indictment, prosecution or punishment for the offense with reference to which his testimony was so given and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

Contest of election to membership in general assembly.

SECTION 13. The election of any person to either house of the general assembly of the state of Ohio may be contested by any elector entitled to vote at the election at which he was chosen, on any of the grounds for which elections to other offices are by the foregoing provisions of this act required to be avoided. Such contest may be instituted at any time prior to, or during, the term of office of such person, and in all other respects shall be conducted in the manner provided by law for contesting elections to membership in the general assembly.

Political committee defined.

SECTION 14. Every two or more persons who shall be elected, appointed, chosen or associated for the purpose, wholly or in part, of directing the raising, collection or disbursement of money, and every two or more persons who shall coöperate in the raising, collection or disbursement or in controlling or directing the raising, collection or disbursement of money used or to be used to further or defeat the nomination or election of any person or any class or number of persons to public office by popular vote, or to further or defeat the nomination for such election of any person or any class or number of persons or in support of, or opposition to any measure or proposition submitted to popular vote, shall be deemed a political committee within the meaning of this act.

SECTION 15. Every political committee shall appoint and constantly maintain a treasurer, who shall be a resident of this state, to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, or by any of its members, for any of the purposes mentioned in section 14 of this act; and unless such treasurer is first appointed and thereafter maintained, it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received or disbursed by any political committee or by any member or members thereof, for any of the purposes mentioned in section 14 of this act, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful and a violation of this act for any political committee, or for any member or members of a political committee to disburse or expend money for any of the objects or purposes mentioned in section 14 of this act until the money so disbursed or expended shall have passed through the hands of the treasurer of such political committee.

Appointment, maintenance and general duties of treasurer of committee; unlawful collections, receipts or disbursements.

SECTION 16. Every treasurer of a political committee and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in section 14 of this act, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed by him, setting forth in such statement each sum so received or disbursed, the object and purpose for which it was received or disbursed, and the person from whom it was received or to whom it was disbursed, as the case may be. Every individual receiving or disbursing money aggregating more than twenty dollars, for or on account of any of the objects and purposes mentioned in section 14 of this act unless he receives it from or pays it to the treasurer of a political committee, shall in like manner keep in a book a detailed written account of his receipts and disbursements.

Treasurer's account of receipts and disbursements.

Individual's account.

SECTION 17. Any person or persons receiving money or other thing of value to disburse or expend on behalf of a political committee, or contracting any obligations on behalf of a political committee, shall keep in writing, and within eight days after each and every election, caucus, convention or primary election in or concerning or in connection with which he shall have received it, or disbursed or promised it or any part thereof, or contracted any such obligations, or sooner if called on by the treasurer of the committee, furnish the treasurer a detailed written and signed statement of such receipts, expenditures, promises and obligations, setting forth therein each sum so received or disbursed or promised, as the case may be, and the date

Statement to treasurer.

when and the person from whom received or to whom paid or promised, as the case may be, and the character of each such obligation and to whom incurred and the object and purpose for which each sum was received, disbursed or promised and each such obligation incurred, which statement shall be incorporated in and form a part of the statement and account which the treasurer is to keep.

Treasurer's and individual's statements.

SECTION 18. Every treasurer of a political committee as defined in this act, and every other person required by section 16 of this act to keep an account, shall within twenty days after each and every election, caucus, convention or primary election in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in section 14 of this act, prepare and file in the office of the clerk of the county in which such treasurer or person resides, a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in section 14 of this act, the date of receipt and each disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was received and the object or purpose for which disbursed. Such treasurer's statement shall also set forth the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, in detail, and if there are no unpaid debts or obligations of such committee such statement shall state such fact.

Restrictions on payment of claims.

SECTION 19. No claim against any candidate on account of any obligation incurred or promise made by him in furtherance of his nomination, or of the nomination or defeat of any other person or persons who may be candidates for nomination for any office at the same caucus, convention or primary election, shall be payable or be paid, unless presented for payment within eight days after the caucus, convention or primary election. No claim against any political committee shall be payable or [to] be paid unless presented for payment within eight days after the caucus, convention or primary election or elections, in or concerning or in connection with which it shall have been incurred or promised and no claim against any candidate on account of any obligation incurred or promise made by him in furtherance of his election, or to further or oppose the election of any other person or persons voted for on the same day of election, or in support of or opposition to any measure or proposition submitted to popular vote on the same day of election shall be payable or [to] be paid unless presented for payment within eight days after the election in or concerning or in connection with which it shall have been incurred or promised, nor shall any claim not presented within the time herein limited be paid, and it shall be

unlawful to pay any claim not presented within the time herein limited, provided, however, that the common pleas court of the county within which such candidate or the treasurer of such committee resides, may, on petition filed and good cause shown for the delay, allow claims not presented until after the time herein limited to be paid; two weeks' notice of the filing of such petition having been given to the person, persons or committee against whom such claim is asserted, and also published in two newspapers of opposite political parties, of general circulation, published in said county, but should such claim not [to] be shown by the statement required by this act to be filed by such candidate or committee, then after their allowance and payment such candidate or committee, as the case may be, shall file additional statements and duplicates thereof, duly verified, and in the same manner as herein required with relation to their original statements.

Allowance by court.

Filing of additional statements.

SECTION 20. Every officer with whom statements or accounts or duplicates thereof are by this act required to be filed, shall receive and file in his office, and there keep as part of the records thereof for four years after they are filed, all such statements, duplicates and accounts, and they shall at all reasonable times be open to public inspection, and copies thereof certified by such officer under the seal (if any) of his office shall be admitted as evidence in all courts with like force and effect that the original would have if produced. After four years succeeding the filing of such papers they shall be destroyed by such officer or his successor in office.

Receipt, filing, preservation, inspection and destruction of statements and accounts; copies as evidence.

SECTION 21. Every treasurer of a political committee as defined in this act who shall wilfully fail, neglect or refuse to make out, verify and file with the county clerk the statement required by section 18 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars, which fine, when collected, shall be paid into the treasury of the county in which such fine was assessed, to the credit of the school fund of such county.

Penalty for failure of treasurer to file statement; disposition of fine.

SECTION 22. Every treasurer of a political committee, and every other person required by section 16 of this act to keep an account, who shall either

First—Neglect or fail to keep a correct book or books of account, setting forth all the details required to be set forth in the account an statement contemplated in sections 16, 17 and 18 of this act (except that the book or books need not be subscribed or sworn to), with intent to conceal the receipt or disbursement of any sum received or disbursed by him or by any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing, in detail; or—

Penalty for failure to keep correct accounts, or mutilating or destroying same, or failure to file statement after notice

Second—Mutilate, deface or destroy any such book or books of account with intent to conceal any fact disclosed by such book or books; or—

Third—Having failed to file within the time prescribed by this act any statement and account which he is by this act required to file, further fail to file the same within five days after he shall receive notice in writing, signed by five resident freeholders of the county in which such treasurer or person resides, requesting him to file such statement and account, shall be guilty of a misdemeanor and on conviction shall be imprisoned for not less than two or more than six months.

Penalty for offenses in connection with naturalization of aliens.

SECTION 23. It shall be unlawful for any candidate for any office which is to be filled by popular election under the constitution or laws of this state, or for any member of a political committee, to pay, contribute, promise or offer, or to procure or connive at the paying, contributing, promising, or offering, any money or thing of value for the purpose of procuring, facilitating, or defraying any fees or expenses in connection with the naturalization of any alien or aliens, and any violation of this section shall be punishable by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment for not less than ten nor more than thirty days, or both.

SECTION 24. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate

Passed April 8, 1896.

112G

[House Bill No. 157.]

AN ACT

To amend supplementary section 4022a of the Revised Statutes of Ohio, as amended March 8, 1894.

Schools:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 4022a of the Revised Statutes of Ohio, as amended March 8, 1894, be amended as to read as follows:

Attendance at nearest school.

SEC. 4022a. The board of education of any township district, [subdistrict,] joint subdistrict, special or village district, within the state of Ohio, shall permit children of school age who reside further than one and one-half miles from the school where they have a legal residence under the school laws of Ohio, to attend the nearest subdistrict or joint subdistrict school; or the grades below the high school in special and village district schools; and where such children are under twelve years of age, boards of education of city dis-

districts of the first class shall permit them to attend schools under their control and the per capita current expense of running the school in the district where such children attend, for the term so attending, shall, upon the demand of the board of education of such district, be paid by the board of education of the district where such children have a legal residence. The per capita cost of running the school in the subdistrict and joint subdistricts shall be the quotient produced by dividing the total current expense of running such school by the total number of children of school age in such district; the per capita cost of running the school in special and village districts shall be the quotient arising from dividing the total current expense of the departments below the high school, including so much of the superintendent's salary as may be paid for the supervision of such departments, by the total enrollment in these departments; provided that in counties containing a city of the second grade of the first class and the first grade of the second class, any board of education of any township district located therein may, when in its opinion the same will be for the best interests of the pupils therein, temporarily suspend school in any subdistrict, and provide for the conveyance of said pupils to the school in the adjoining subdistrict most convenient for them respectively. Provided that nothing in this act shall be so construed as to require any pupil to procure the consent of the board of education either in the district in which said pupil is entitled to attend under the provisions of this act, but the attendance as herein provided for shall be as a matter of right.

Per capita
expense.

Cuyahoga and
Franklin coun-
ties.

Consent of
board not re-
quired, etc.

SECTION 2. That section 4022a, as amended March 8, 1894, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after September 1, 1896.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 8, 1896.

113G

[Senate Bill No. 192.]

AN ACT

To amend section 1892 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1892 of the Revised Statutes of Ohio be so amended, as to read as follows:

Cincinnati
police force:

SEC. 1892. To enable the city auditor as well as the boards of supervisors and legislation to estimate correctly the levy and appropriation needed to carry out the provisions of this subdivision, the mayor shall report to the

Annual estimate
for police fund.

Limitation of
levy and appro-
priation.

Repeals, etc.

auditor on or before the first Monday in March in each year, a careful estimate of the amount needed for all purposes for the ensuing year, said estimate to be given for each month; but before such estimate is so reported by the mayor to the auditor as aforesaid, the same must be approved by the board of commissioners. The auditor as well as the boards of supervisors and legislation, shall revise said estimate, and if deemed proper, shall reduce the same, so as to prevent unnecessary expenditure, and to bring it within fair limits to the other expenditures required by the city. The levy and appropriation needed to carry out the provisions of this subdivision, shall come within the limitation as provided in section twenty-six hundred and eighty-nine (2689) of the Revised Statutes.

SECTION 2. Said original section 1892 is hereby repealed, and this act shall take effect from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 8, 1896.

114G

[House Bill No. 541.]

AN ACT

To amend supervisory election laws.

Conduct of
elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 36 of an act commonly known as the ballot act, as amended April 25, 1893, O. L., vol. 90, p. 276, be amended so as to read as follows:

Compensation
of judges and
clerks of
election.

SEC. 36. The judge of election called by the deputy state supervisors to receive and deliver ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more therefrom. The judge of the election carrying the returns to the deputy state supervisors shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for their services for each election day; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law, except that the chairman elected at the meeting for organization shall receive one dollar for calling for the sealed package of ballots.

Cities having
registration.

SECTION 2. That section 36 of said act, O. L., 90 vol., 276, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 8, 1896.

115G

[Senate Bill No. 115.]

AN ACT

Making appropriations to George K. Nash, trustee for Alonzo B. Coit and his attorneys.

WHEREAS, The governor, in response to the request of the sheriff of Fayette county, on the 17th day of October, 1894, ordered Alonzo B. Coit, colonel of the 14th regiment of the Ohio national guard, to report with two companies of his regiment for service at Washington Court House in aid of the civil authority, and Preamble.

WHEREAS, Said Coit, in obedience to said order on said date went with two companies of his command to Washington Court House, where, and in compliance with the direction of the sheriff of Fayette county, he acted in aid of the civil authority in protecting public property and a prisoner then in the sheriff's custody, and

WHEREAS, While said Coit and the members of his command there present were repelling a mob then engaged in an attempt to lynch said prisoner, several of the rioters were killed, and

WHEREAS, On the 15th day of November, 1894, the governor, in compliance with the request of said Coit, appointed a court of inquiry to investigate the conduct of said Coit and the members of his command at Washington Court House during said riot, which court after full investigation, exonerated said Coit and the members of his command from all blame on account of the result of said riot, and

WHEREAS, On the 12th day of January, 1895, the grand jury of Fayette county indicted said Alonzo B. Coit on three separate charges of manslaughter for the alleged unlawful killing of three of the rioters, and

WHEREAS, Said cases were afterwards, on the motion of said Alonzo B. Coit, and by the order of the court of common pleas of Fayette county, removed from said county to Pickaway county, and

WHEREAS, The trial of one of said cases was commenced on the 7th day of October, 1895, and on the 18th day of November, 1895, was terminated by the discharge of the jury because of the serious illness of one of its members;

and thereafter on the 2d day of December, 1895, the trial of said case was recommenced before another jury and continued until the 1st day of February, 1896, when it resulted in a verdict of acquittal, and

WHEREAS, George K. Nash and Henry J. Booth, at the request of the governor, acted as attorneys of said Coit in said investigation conducted by and before said court of inquiry, and

WHEREAS, Said attorneys, together with Worthington & Daugherty and Abernethy & Folsom, at the request of the governor, conducted the defense of said Coit in said cases, and

WHEREAS, Said public service of said Coit on account of said hearing before said court of inquiry and on account of said prosecutions, resulted in a great loss of time to him and the expenditure of a large sum by him in conducting his said defense; therefore,

Appropriation
for George K.
Nash, trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of the general revenue fund not otherwise appropriated, to be paid to George K. Nash, trustee for Alonzo B. Coit and his attorneys, seventeen thousand seven hundred and fifty (\$17,750) dollars. And the auditor of state is hereby authorized and directed to issue his warrant to the said George K. Nash, trustee, for seventeen thousand seven hundred and fifty (\$17,750) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 9, 1896.

116G

[House Bill No. 123.]

AN ACT

For the suppression of mob violence.

"Mob" and
"lynching" de-
fined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any collection of individuals, assembled for any unlawful purpose, intending to do damage or injury to any one or pretending to exercise correctional power over other persons by violence, and without authority of law, shall for the purpose of this act be regarded as a "mob," and any act of violence exercised by them upon the body of any person, shall constitute a "lynching."

"Serious in-
jury" defined.

SECTION 2. The term "serious injury," for the purposes of this act, shall include any such injury as shall permanently or temporarily disable the person receiving it from earning a livelihood by manual labor.

SECTION 3. Any person who shall be taken from the hands of the officers of justice in any county by a mob, and shall be assaulted by the same with whips, clubs, missiles, or in any other manner, shall be entitled to recover from the county in which such assault shall be made, the sum of one thousand dollars as damages, by action as hereinafter provided.

Damages recoverable by victim of assault.

SECTION 4. Any person assaulted by a mob and suffering lynching at their hands, shall be entitled to recover of the county in which such assault is made, the sum of five hundred dollars; or if the injury received is serious, the sum of one thousand dollars; or if it result in permanent disability to earn a livelihood by manual labor, the sum of five thousand dollars.

Damages recoverable by victim of lynching.

SECTION 5. The legal representative of any person suffering death by lynching at the hands of a mob, in any county of this state, shall be entitled to recover of the county in which such lynching may occur, the sum of five thousand dollars damages for such unlawful killing. Said recovery shall be applied first to the maintenance of the family and education of the minor children of the person so lynched, if any be left surviving him, until such minor children shall become of legal age, and then be distributed to the survivors, share and share alike, the widow receiving a child's share. If there be no wife or minor children left surviving such decedent, the said recovery shall be distributed among the next of kin according to the laws for the distribution of the personalty of an intestate. Such recovery shall not be regarded as a part of the estate of the person lynched, nor be subject to any of his liabilities. Any person suffering death or injury at the hands of a mob engaged in an attempt to lynch another person, shall be deemed within the provisions of this act and he or his legal representatives shall have the same right of action thereunder as one purposely injured or killed by such mob.

Damages recoverable by legal representative of victim of lynching; disposition of recovery.

SECTION 6. Actions for the recoveries provided for in this act may be begun in any court having original jurisdiction of an action for damages for malicious assault, within two years of the time of such lynching.

Exemptions.

Right of unintended victim or his legal representative.

SECTION 7. An order to the commissioners of any county against which such recovery may be made, to include the same with costs of action in the next succeeding tax levy for said county, shall form a part of the judgment in every such case.

Action for recovery.

Order to include recovery and costs in tax levy.

SECTION 8. Any person entitled to a share in any recovery under this act who shall consent to a release or compromise of such claim in consideration of the payment of any sum less than the full amount of said recovery, shall be liable to indictment for a misdemeanor and punished, at the discretion of the court, as in other misdemeanors.

Liability for consent to release or compromise.

SECTION 9. In case the decedent has left minor children him surviving, the fund shall be turned over to a regularly appointed guardian, who shall apply the same under

Guardian's custody and application of fund; limit on counsel fees.

the direction of the judge of probate, allowing not more than five hundred dollars for counsel fees in the action for such recovery.

County's right
of action
against member
of mob; who
deemed member
and liable.

SECTION 10. The county in which any lynching shall occur shall have a right of action to recover the amount of any judgment rendered against it in favor of the legal representatives of any person killed or seriously injured by a mob, including costs, against any of the parties composing such mob. Any person present at such lynching shall be deemed a member of the mob and shall be liable in such action.

County's right
to recover from
other county.

SECTION 11. In case a mob shall carry a prisoner into another county or shall come from another county to commit violence on a prisoner brought from such county for safe-keeping, the county in which the lynching was committed may recover the amount of the judgment and costs against the county from which the mob came, unless there was contributory negligence on the part of the officials of said county in failing to protect the prisoner or disperse said mob.

Non-relief from
prosecution.

SECTION 12. Nothing in this act shall be held to relieve any person concerned in such lynching for [from] prosecution for homicide or assault for engaging therein.

SECTION 13. This act shall be in force from and after the time of its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 10, 1896

117G

[House Bill No. 183.]

AN ACT

To amend section 5673 of the Revised Statutes of Ohio.

Dissolution of
corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 5673 of the Revised Statutes of Ohio be amended so as to read as follows:

Dissolution of
manufacturing
or mining com-
pany when
stockholders pe-
tition therefor.

SEC. 5673. When stockholders owning one-fifth or more of the paid-up stock of a corporation organized for manufacturing or mining file in the office of the clerk of one of the courts mentioned in section 5651, their petition containing the statement that the corporation is insolvent, or that the dissolution thereof will be beneficial to the stockholders, or that the objects of the corporation have wholly failed or been entirely abandoned, or that it is impracticable to accomplish such objects; or that the profits of the business are being diverted from the best interests of the stockholders equally or that the business of the corporation can not be profitably conducted and that they therefore desire

a dissolution of the corporation the court shall, if it deem it beneficial to the interest of the stockholders make an order requiring the officers of the corporation within reasonable time to file in court the inventories, accounts and statements required by section 5652 and upon the filing thereof the court shall proceed as provided in section 5654 requiring all persons interested in the corporation to show cause if any they have why such corporation should not be dissolved and the court shall, if it deem it beneficial to the interests of the stockholders, adjudge the dissolution of the corporation in conformity with the provisions of this chapter made upon finding that the statements contained in the petition are true and upon such proceeding being had such other and further proceeding shall, in the judgment of the court, be had for the final settlement and adjustment of the affairs of the corporation as are hereinbefore provided should be had.

SECTION 2. Section 5673 of the Revised Statutes is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 10, 1896.

118G

[House Bill No. 249.]

AN ACT

Supplementary to section 897 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 be enacted as supplementary to section 897 as follows:

SEC. 897. In Miami county, each county commissioner shall receive a salary of thirteen hundred dollars (\$1,300) per annum, payable in equal monthly instalments out of the county treasury upon the warrant of the auditor, and each county commissioner in such counties shall devote his entire time to the duties of his office, if so required, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out, or otherwise, except when necessary to go out of their respective counties on official business. Each commissioner may, in addition to such salary, receive his actual traveling expenses and no more, which, before being paid, shall be presented in an itemized account and approved in writing by the prosecuting attorney and probate judge of said county.

County commissioners:

Salary, duties and traveling expenses in Miami county.

SECTION 2. This act shall take effect and be in force from and after the first day of May, 1896.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed April 10, 1896.

119G

[House Bill No. 510.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

County commis-
sioners:

Salary, duties
and traveling
expenses in
Coshocton
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio be further supplemented as follows:

SEC. 897*w*. Each county commissioner in all counties having by the federal census of 1890 a population of not less than 26,700, nor more than 26,800, shall receive a salary of \$800 per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor; and each commissioner in such counties shall devote, if so required, his entire time to the duties of his office, and shall receive nothing in addition to his salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which before being paid, shall be presented in an account and be approved in writing by the prosecuting attorney and probate judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed April 10, 1896.

120G

[House Bill No. 535.]

AN ACT

To authorize the adjutant-general of Ohio to procure nets to enclose and preserve the flags, banners, and markers, used by organizations of Ohio troops, in the union army, during the civil war of 1861—1865.

Nets for protec-
tion of flags,
banners and
markers used by
Ohio military
organizations
in late war.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the adjutant-general, of the state, be, and is hereby authorized to procure suitable nets to enclose and protect all flags, banners, and markers, used by military organizations, of any and all branches of the service used by

Ohio military organizations, in the late war, 1861—1865, for the preservation of the union.

SECTION 2. Out of any money, not otherwise appropriated, in, or that may come into the state treasury, there is, and shall be appropriated, the sum of three hundred dollars, for the purchase and purpose, mentioned in section 1, of this act, which sum shall be expended for said purpose by the adjutant-general of the state.

Appropriation
for purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 10, 1896.

121G

[House Bill No. 537.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio be supplemented with an additional section, numbered 897x, as follows:

County commis-
sioners:

SEC. 897x. Each commissioner elected after the passage of this act, in any county of this state, that at the federal census of 1890 had or may have at any subsequent federal census a population of not less than 25,175 nor more than 25,185, shall devote so much of his time as is required to properly discharge the duties of his office, and shall receive a yearly salary of five hundred dollars (\$500) which shall be paid in equal quarterly instalments, and shall be in lieu of all per diem, mileage, or any other perquisites; provided, however, that each commissioner may be paid, in addition to such five hundred dollars, his necessary expenses while doing business for the county outside of its limits, a sworn statement of such expenses must be filed with the prosecuting attorney of said county and approved by him.

Duties, salary
and expenses in
Monroe county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 10, 1896.

122G

[House Bill No. 570.]

AN ACT

To amend section 12 of an act entitled "An act relating to the appointment and salaries of officers and other employes of the Ohio penitentiary" as amended March 31, 1892 (O. L., v. 89, p. 193), and numbered as section 7436—14 in the Revised Statutes of Ohio.

Ohio peniten-
tiary:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 12 of an act relating to the appointment and salaries of officers and other employes of the Ohio penitentiary as amended March 31, 1892 (O. L., vol. 89, p. 193), be and the same is hereby amended so as to read as follows:

Appointment,
salaries and
bonds of officers
and other
employes.

SEC. 12. It shall be the duty of the warden with the advice and consent of the board of managers to appoint the following named officers whose compensation shall be as follows: Deputy warden, at a salary of twelve hundred dollars per year and who shall give bond for the sum of five thousand dollars, payable to the warden for the benefit of the state of Ohio; a clerk at a salary of fifteen hundred dollars per year who shall give a like bond in the sum of ten thousand dollars; an assistant clerk whose salary shall be at the discretion of the board not exceeding ten hundred dollars per year; the chaplain, who shall also act as librarian at a salary not to exceed ten hundred dollars per year; the steward at a salary of twelve hundred dollars per year who shall also give a bond, conditioned the same as the deputy warden for the sum of ten thousand dollars; a physician, at a salary of ten hundred dollars per year; the assistant deputy warden, at ten hundred dollars per year; the superintendent of the school at eight hundred dollars per year, and said superintendent shall be accredited as a guard; one superintendent of construction, at not to exceed twelve hundred dollars per annum; and the following named officers at a salary not exceeding nine hundred dollars per annum: One day assistant physician, who shall also be superintendent of the hospital; and one night physician; one storekeeper; one postmaster; one superintendent of subsistence; one superintendent of transfers and halls; one superintendent of piece price; one superintendent of state shops; one day captain of the guard-room; one night captain of the guard-room; one captain of the night-watch; one superintendent of yards; and one superintendent of gas and electric (lights), salary not to exceed twelve hundred dollars per annum; one stenographer, at a salary not to exceed forty dollars each calendar month; the male guards, sixty-five dollars and the female guards, who shall (also) be matron and assistant matron, fifty dollars each calendar month; provided each guard shall be allowed not to exceed fourteen days' vacation each year without reduction of pay; the warden may also appoint as hereinbefore provided, such other officers and employes as may be necessary to carry on the moral and religious features of the institution, each of

Vacation of
guards.
Moral and re-
ligious features.

whom shall receive not to exceed seven hundred and eighty dollars per year. The appointees herein provided for shall be selected for their fitness and qualifications for the position to which they may be appointed or employed, and shall hold their offices or places for two years, or unless (sooner) removed in accordance with the provisions of section 7413; provided further, that one guard, or one of the minor officers, shall be appointed from each county until the necessary number is secured. Provided, however, the board may appoint a secretary of the board of managers, at a salary not to exceed fifteen hundred dollars per annum, who shall serve during the pleasure of the board. All the appointees herein provided for shall be paid monthly out of the state treasury, on the warrant of the state auditor.

Qualifications
and term of
appointees.

Removals.

Representation
from each
county.

Secretary of the
board of
managers.

Payment of
salaries.

Repeals, etc.

SECTION 2. That said section 12 of said act as amended March 31, 1892 (O. L., vol. 89, p. 193), be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 10, 1896.

123G

[House Bill No. 586.]

AN ACT

Supplementary to section 897 of the Revised Statutes of Ohio,
amended April 24, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897^v be enacted as supplementary to section 897, as follows:

County commis-
sioners:

SEC. 897^v. In all counties which by the federal census of 1890 had a population of not less than twenty-seven thousand three hundred (27,300) and not more than twenty-seven thousand four hundred and fifty (27,450), each county commissioner elected or appointed after the passage of this act shall devote his entire time or so much thereof as may be necessary to the duties of his office, and for his compensation shall receive a salary of one thousand dollars (\$1,000) per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor, and shall receive nothing in addition to his salary so provided either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of his county on official business, he may, in addition to such salary, receive his actual traveling expenses, which shall, before being paid, be presented in an itemized account and be approved in writing by the prosecuting attorney and probate judge of said county.

Duties, salary
and expenses in
Logan county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 10, 1896.

124G

[Senate Bill No. 147.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio, as amended: February 27, 1894 (91 O. L., 42).

School funds: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3959 of the Revised Statutes of Ohio as amended February 27, 1894, be amended so as to read as follows:

Maximum of levy.

When and for what purpose greater tax may be levied.

SEC. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that the board of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills. And in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state such estimate and levy shall not exceed eight mills on each dollar of valuation of taxable property. But a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school districts, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto, in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district for a like period, if no such paper is published therein.

Repeals.

SECTION 2. That said section 3959 of the Revised Statutes as amended February 27, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 10, 1896.

125G

[House Bill No. 561.]

AN ACT

To amend sections 4 and 6 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," and to amend sections 16, 22 and 25 of an act commonly known as the ballot act, as amended in vol. 90, pages 272 and 276 of Ohio laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4 and 6 of the above recited act be amended so as to read as follows:

Conduct of elections:

SEC. 4. In all counties except counties containing cities of the first class, the deputy state supervisors for such counties shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before one o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots, no person shall be agreed upon as clerk, the clerk shall be selected by lot from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be and act as the chief deputy, presiding at all meetings. When such organization is perfected the clerk shall forthwith report the same to the state supervisor. The clerk shall be paid a salary in quarterly instalments, not to exceed one hundred dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. He shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to chief judges of elections, or any witnesses who may be called to testify before the board. At such meet-

Selection and term of chief deputy and clerk.

Report of organization.

Salary of clerk.

Clerk's power to administer oaths.

Sessions of deputy supervisors, publication of notice for bids for printing.

Compensation of deputy supervisors.

Payment of compensation and expenses.

Appointment of judges and clerks of election.

Presiding judge.

Terms.

Apportionment politically; vacancy in office.

Compensation.

Removals.

ing for organization, the deputy supervisors may remain in session not more than two days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. For attending all meetings, the deputy supervisors shall receive as compensation the sum of two dollars per day, not to exceed twenty days in any one year, and mileage at the rate of five cents a mile going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same.

SEC. 6. At least ten days before any annual or general election, the deputy supervisors for each county shall, when vacancies exist, appoint, in all precincts in which the voters are not registered, four judges and two clerks of election, residents of the precinct, who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, as determined by the next preceding November election, to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of the election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three dollars for each election; provided, however, that in cities where registration is required, the compensation of judges and clerks of election shall remain as now fixed by law. The judges and clerks of elections, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of

the board of deputy state supervisors to immediately send notice to the board of precinct officers. The presiding judge may be sworn by the clerk of the board or any member thereof, and may himself administer the oath to the other election officers of his ward, township, or precinct.

Oath of presiding judge and other election officers.

SECTION 2. That sections 16 and 25 of the act commonly known as the ballot act, vol. 90, pp. 272 and 276 of Ohio laws be amended so as to read as follows:

SEC. 16. Not less than three days before an election the deputy state supervisors or city clerk, in municipalities situated in two or more counties, shall summons the presiding judge of election in each precinct in such county or municipality, as the case may be, to appear forthwith and receive the necessary blanks, poll-books, tally-sheets, certificates, cards of instruction and ballots for such precinct, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before the time for the opening of the polls therein; provided, however, that in cities of the first and second class, when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election pursuant to section 2926ⁿ of the Revised Statutes, or on the Saturday evening preceding any April election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the city board of elections for such packages, and in such cities the deputy state supervisors, when required to print the ballots, shall deliver the poll-books, tally-sheets, cards of instruction and other supplies herein mentioned to the board of election of such city instead of the presiding judges; and provided, further that in any city of the first grade of the first class, the board of elections may, by resolution, provide for the delivery of ballots through the agency of the police force of such city; and provided, further if the judge summoned to receive and deliver the ballots and other books and papers does not appear, the deputy state supervisors, or city clerk or board of elections shall send the ballots, books and other required papers to the election officers of the precinct so as to be received by them in time for the election.

Delivery of ballots and other supplies required in conduct of elections.

Cities first and second class.

Delivery of ballots in Cincinnati.

Delivery of supplies when judge summoned fails to appear.

SEC. 25. After canvassing the votes, the judges and clerks shall make out the returns of the election and the tally-sheets thereof in duplicate, signed and certified as required by law; one copy thereof shall be immediately transmitted to the deputy state supervisors by the presiding judge or such other judge as he may designate; the other poll-book and tally-sheet shall be forthwith deposited with the clerk of the township or the clerk of the municipal corporation, as the case may require, by another judge, designated by the presiding judge, to be preserved for one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely

Making, transmission and preservation of returns, tally-sheets and poll-books.

Cities of the first class.

upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in cities of the first class such delivery shall be made as now provided by law.

Period during which judges and clerks shall not separate nor leave polling place under penalty.

From the time the ballot-box is open and the count of votes begun, until the votes are counted and the returns made out, signed and certified, as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precinct shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars.

SECTION 3. That section 22 of said "ballot" act, as amended in volume 90, page 274, Ohio laws, be amended so as to read as follows:

Folding of ballot.

SEC. 22. Before leaving the voting shelf the elector shall fold his ballot without displaying the marks thereon, and so as to conceal the same, but show the indorsements and facsimile of the signatures of the proper clerk or board, and keep the same so folded until he has delivered the ballot to the presiding officer.

Receipt of ballot; disposition of secondary stubs; regulation as to marking and voting.

One of the election officers shall receive the ballot, detach the secondary stub bearing the elector's registered number or name, and examine such stub for the purpose of identification, and deposit the ballot in the ballot-box; the secondary stubs shall be preserved until the polls are closed and shall then be destroyed before the ballot-box is opened; the elector shall mark and vote his ballot without undue delay, and shall leave said enclosed place as soon as he has voted.

Who permitted to re-enter enclosed place; number of electors permitted within rail at one time.

No elector, not an election officer, shall be allowed to reënter said enclosed place during said election except for the purpose of voting. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of election to secure the observance of the provisions of this section.

Return of unvoted ballots.

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer.

Assistance of judges in marking ballot.

Any elector who declares to the presiding judge of election that he is unable to mark his ballot by reason of blindness, paralysis, extreme old age or other physical infirmity, and such physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot properly, may, upon request, receive the assistance in the marking thereof of two of the judges of election, belonging to different political parties, and they shall thereafter give no information in regard to the matter. But such assistance shall not be rendered for any other cause which the voter may specify, and the presiding judge may require such declaration of disability to be made by the elector under oath before him.

No ballot without the official indorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted.

Ballots permitted to be deposited and counted.

SECTION 4. That sections 4, 6, 16, 22, and 25 of the above recited act as heretofore amended are repealed, and this act shall take effect on its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 10, 1896.

126G

[House Bill No. 146.]

AN ACT

To amend section four (4) of an act entitled "An act to regulate the sale of milk," passed April 10, 1889, as amended January 30, 1891 (O. L., 88, vol. 12), O. L., vol. 86, p. 229.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four (4) of said act be amended so as to read as follows:

Adulteration:

SEC. 4. In all prosecutions under this chapter, if the milk is shown upon analysis, to contain more than eighty-eight per cent. of watery fluid, or to contain less than twelve per cent. solids, not less than one-fourth of which must be fat, it shall be deemed, for the purpose of this chapter to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than eleven and one-half per cent. of milk solids shall be deemed to be not of good quality.

Adulterated milk defined.

SECTION 2. That section four (4) as amended January 30, 1891 (O. L. 88 v. 12), of the above entitled act be and the same is hereby repealed. And this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 14, 1896.

127G

[Senate Bill No. 199.]

AN ACT

To amend section 3897 of the Revised Statutes and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3897 of the Revised Statutes of the state of Ohio, as amended May 17, 1894 (91 v. 289), be amended and supplemented as follows:

School districts:

Cincinnati
board of educa-
tion: how con-
stituted; quali-
fication, election,
term, authority,
etc., of members
and clerks.

SEC. 3897. In city districts of the first grade of the first class the board of education shall consist of one member from each ward, and each member of the board shall be an elector of the ward, or of the township, or part of the township, which for school purposes has been or may be attached to such ward for which he is elected or appointed; provided, that in city districts of the first grade of the first class, beginning with the election of city officers to be held in April, 1897, one member shall be elected from each ward, or from territory attached to each ward for school purposes, who shall serve for the term of three (3) years; and provided further, that all members, clerks and assistant clerks of such boards heretofore elected, shall continue to be members, clerks and assistant clerks thereof until their successors are elected and qualified as herein provided; and thereafter as the term of members elected by said ward, or ward with territory attached for school purposes, as above provided, shall expire, successors shall be elected for the term of three years; and provided further, that the clerks and assistant clerks of any such boards shall be elected for the term of three (3) years. If any person elected a member of said board shall, during his term as said member, move out of the ward for which he was elected, then his term shall cease and determine, and said board shall elect a person to fill the vacancy; the members elected under this act shall hold office until their successors are elected and qualified; provided, that the board of education established by this act shall be in all respects the successors of the respective board whose place they take; but the members of such board of education shall not, as individuals or as local committees, exercise supervisory authority over the schools in the several wards or districts, or have the selection or nomination of teachers; and provided further, that when a new or additional ward shall be created in such city district, the board of education shall proceed to elect a person who is an elector of such additional ward, or of territory thereto attached for school purposes, as a member of the board from such ward, to serve until the next election for members of the board of education, at which election the qualified electors of such new wards, and the territory annexed for school purposes, shall elect one judicious and competent person, having the qualifications of an elector of such ward or territory thereto attached for school purposes, to serve as a member of the board of education.

Appointment,
terms and re-
moval of teach-
ers, investiga-
tion of charges.

SEC. 3897a. The superintendent of the public schools of said city district of the first grade of the first class shall appoint all the teachers of said schools by and with the consent of the board of education, which appointments shall be for a period of one year, when made the second time shall be for a period of two years and when made the third time shall be for a period of four years; all teachers who shall have served seven successive years in the public

schools of said city district, whether before or after, or partly before or after the passage of this act, shall when appointed by said superintendent, and confirmed by said board, hold their positions until removed by death, resignation or for cause, subject, however, to the provisions and requirements of sections 4074 and 4081 of the Revised Statutes and all other sections and provisions of the Revised Statutes relating to board of examiners and their powers and duties; provided, however, that any teacher of said schools may at any time be removed by said superintendent or by said board of education for cause, but any teacher who is removed by the superintendent may, upon a written appeal to said board of education have such cause or causes of removal investigated by the board of education of said city district, or by a committee appointed by said board of education for such purpose, of which committee the superintendent of the public schools of said city district shall be a member, and a decision of said board of education or of said committee shall be final. Whenever in said city districts of the first grade of the first class the high schools of said city district shall or at any time hereafter may be under the control and management of a union board of high schools or of any other separate board, the superintendent of the public schools of said city district shall appoint all the teachers of said high schools, by and with the consent of the majority of the members of said union board of high schools, or other separate board of said district, which appointments shall be for a period not exceeding one year; provided, however, that all teachers of said high schools who shall have served five successive years in the public schools of said city district or in the high schools of said city district, whether before or after, or partly before or after, the passage of this act, or both, when appointed by said superintendent and confirmed by said union board or other separate board having the control of said high schools, shall hold their positions until removed by death, resignation or for cause, subject, however to the provisions and requirements of sections 4074 and 4081 of the Revised Statutes and all other sections and provisions of the Revised Statutes relating to boards of examiners and their powers and duties; provided, however, that any teacher of said high schools may at any time be removed by said superintendent, subject to the approval of the majority of said union board of high schools, or other separate board, or by said union board or other separate board for cause upon written charges, which charges, when filed, shall be investigated by said union board of high schools, or other separate board of said city district, or by a committee of said board appointed for such purpose, of which committee the superintendent of the public schools of said city district shall be a member, and a decision of such union board, or other separate board having control of said high schools, or of said committee of said board, shall be final; provided, further, that when-

ever the power to appoint teachers in the public schools of such city district of the first grade of the first class is not given by the law of the state to the superintendent of the public schools or not given to him by the board of education of such city district in pursuance of law, then said union board of high schools, or other separate board, shall appoint such teachers in the high schools to serve as above provided, with power of removal as above provided. The provisions of this section relating to the appointment and terms of teachers shall not apply to the appointment or term of any superintendent or superintendents of schools of such city district.

Non-applicability to superintendent.

School teachers' pension fund.

SEC. 3897b. In order to create a fund to be known as the school teachers' pension fund, one per cent. (1%) of the salaries, paid to all teachers of said city district of the first grade of the first class, including the teachers of the high schools of said city district shall be deducted by the proper officers and paid into the city treasury to the credit of said fund, to be used exclusively for pensions for teachers as hereinafter provided. All moneys received from donations, legacies, gifts, bequests or from any other source shall also be paid into said fund; but no taxes shall be levied or any other public moneys be appropriated for said fund, except as herein provided.

Board of trustees of the school teachers' pension fund: constitution and powers; election and term of members.

SEC. 3897c. Said school teachers' pension fund shall be under the charge, management and control of a board to be known as the board of trustees of the school teachers' pension fund, composed of seven members, two to be elected by the board of education of said city district, one to be elected by the union board of high schools, or other separate board having charge of the high schools in said city district, three to be elected by the teachers of the public schools, including the teachers of the high schools of said city district, and the superintendent of schools of said city district who ex officio shall be a member of said board. The board of education of said city district shall, at its first regular meeting after this act goes into effect, elect two of its members, one for one year, and one for two years and thereafter annually elect one of its members for two years, who shall serve as members of said board; the union board of high schools, or other separate board having charge of the high schools in said city district, shall, at its first regular meeting after this act goes into effect, and thereafter annually elect one of its members, who shall serve as a member of said board; the teachers of the public schools, including the teachers of the high schools, of said city district, shall within thirty days after this act goes into effect, at a meeting to be called by the superintendent of schools of said city district, elect three of their number, one for one year, one for two years, and one for three years, and thereafter annually at a meeting to be called in the same manner, elect one of their number for three years, who shall serve as members of said board. The members

of said board shall serve as such without compensation and shall serve until their successors are elected and qualified. Said board of trustees shall have power to invest said pension fund in the name of said board in bonds of the United States, or of the state of Ohio, or of any county in this state, or of any municipal corporation in this state, or of any school district of this state, and said board shall have power to make payments from said pension fund of pensions granted in pursuance of this act. Said board of trustees shall also have power from time to time to make and establish such rules and regulations for the administration of said pension fund as they shall deem best.

SEC. 3897d. Said board of education of said city district and said union board or other separate board having the control and management of the high schools of said city district shall each of them have power by a majority vote of all the members composing said board to retire on account of physical or mental disability any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after the passage of this act; provided however that three-fifths of said period of service shall have [been] rendered by said beneficiary in the public schools or the high schools of said city district or in the public schools or high schools of the county in which said city district is located. The term "teacher" under this act shall include all superintendents of instruction, principals, special teachers, and teachers employed by either of said boards. Any female teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after the passage of this act, and any male teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty-five (35) years, whether before or after, or partly before or after the passage of this act; provided that three-fifths of said term of service shall have been rendered in the public schools or the high schools of said city district, or in the public schools or high schools of the county in which said district is located. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension an amount equal to one-half of the annual salary paid to such teacher at the date of his or her retirement, said pension to be paid monthly during the school year, but in no event shall such pension paid to any teacher exceed the sum of six hundred (600) dollars in any one year; provided further that if said pension fund shall at any time be insufficient to meet the pensions so provided for, that during the period that such fund is insufficient to make such payments, the amount in said fund during said period shall be prorated between the parties entitled thereto. No payment shall be made to any

Retirement and pension of teacher; "teacher" defined.

beneficiary, nor shall any teacher retired or retiring be entitled to any payment under the provisions of this act prior to July 1, 1899.

Power to use principal and income.

SEC. 3897*e*. Said board of trustees shall have the power to use both the principal and income of said fund for the payment of the pensions herein provided for.

Monthly certifications of deductions from salaries, creation and disbursement of special fund.

SEC. 3897*f*. The clerk of the board of education of said city district and the clerk of the union board of high schools or other separate board having the control and management of the high schools of said city district, shall each of them certify monthly to said board of trustees all amounts deducted from the salaries of the teachers as aforesaid, which amounts as well as all other moneys contributed to said fund shall be set apart as a special fund for the purposes herein specified, subject to the order of said board of trustees. All moneys belonging to said fund shall be paid only on the order of said board of trustees entered upon its minutes on warrants signed by the president and secretary of said board.

Duties, bond and compensation of custodian of fund.

SEC. 3897*g*. The city treasurer of said city of the first grade of the first class located wholly or partly in said city district shall be the custodian of said pension fund and shall keep the same subject to the order, control and direction of said board of trustees. He shall keep books of accounts concerning said fund in such manner as may be prescribed by said board, which books of accounts shall always be subject to the inspection of said board of trustees or of any member thereof. Said treasurer shall execute a bond to said board of trustees with good and sufficient sureties in such sum as said board of trustees shall require, which bond shall be subject to the approval of said board and be conditioned for the faithful performance of his duties as custodian of said board and treasurer of said board. He shall always keep and truly account for all moneys and profits coming into his hands as such treasurer belonging to such fund, and at the expiration of his term of office, shall pay over, surrender and deliver to his successor all securities, moneys and other property of whatsoever kind, nature and description which may be in his hands or under his control as treasurer aforesaid. Said treasurer shall be paid for his services under this act a compensation not to exceed one per cent. annually of the amount paid into said fund during the year.

Termination of teacher's interest in fund.

SEC. 3897*h*. The death, resignation or removal of any teacher for cause as aforesaid, shall terminate all interest of said teacher in said fund.

Repeals.

SECTION 2. Section 3897 of the Revised Statutes as amended May 17, 1894 (91 v. 289), be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of September, A. D. 1897. Taking effect.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 14, 1896.

128G

[House Bill No. 314.]

AN ACT

To amend section 6145 of the Revised Statutes of Ohio, as amended March 23, 1892 (89, O. L., p. 135).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6145 of the Revised Statutes of Ohio, as amended March 23, 1892, be and the same is hereby amended to read as follows:

Sale of real estate for payment of debts, etc.:

SEC. 6145. The probate court or court of common pleas, in which such action may be pending, shall have full power to determine the equities between the parties and the priorities of lien of the several lien-holders on said real estate, and to order a distribution of the money arising from the sale of such real estate, according to the respective equities and priorities of lien as found by the court. When said action is determined by the probate court, the judge thereof shall make the necessary order for an entry of release and satisfaction of all mortgages and other liens upon said real estate, and shall enter such release and satisfaction, together with a memorandum of the title of the case, the character of the proceedings and the volume and page of record, where recorded, upon the record of such mortgage or other lien in the recorder's office where the same are recorded; and he shall tax in his cost bill the fee provided by law for the recorder for entering such release and satisfaction, and also a fee of twenty-five cents to himself for such entry. This section shall apply to proceedings by guardians, assignees and trustees to sell lands to pay debts.

Determination of equities and priorities of liens, and order for distribution.

Proceedings when action determined by probate court; fees.

Applicability.

SECTION 2. That section 6145, as amended March 23, 1892, is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate.

Passed April 14, 1896.

129G

[House Bill No. 386.]

AN ACT

To amend section 4650 of the Revised Statutes of Ohio, as amended March 22, 1893 (90, O. L., 119).

County roads: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4650 of the Revised Statutes of Ohio, as amended March 22, 1893, be amended so as to read as follows:

Duties of commissioners on report of view.

SEC. 4650. The commissioners, on receiving the report of the viewers, shall cause the same to be publicly read on two different days of the same session, and if no application be made to them for a review of the road, or any part thereof, or alteration, and they are satisfied that such road, or any part thereof, if the same be capable of division, will be of public utility, and the report of the viewers is favorable thereto, and no damages have been claimed or assessed, shall on the third day of the session cause the report, survey, and plat to be recorded; and from thenceforth the road shall be considered a public highway, and the commissioners shall issue their order to the trustees of the proper township or townships, directing the road to be opened; but if the report of the viewers be against such proposed road, or alteration, or if, in the opinion of the commissioners, the same is unnecessary, no further proceedings shall be had thereon, and the obligors, in the bond securing the expenses, shall be liable for the full amount of such costs and expenses.

Repeals.

SECTION 2. That said section 4650 of the Revised Statutes as amended March 22, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAH W. JONES,

President of the Senate.

Passed April 14, 1896.

130G

[Senate Bill No. 160.]

AN ACT

To amend section 12 of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio."

Combined normal and industrial department at Wilberforce university: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 12 of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university,

Greene county, Ohio," as passed March 19, 1887 (O. L. vol. 84, p. 127), be amended so as to read as follows:

SEC. 12. For the purpose of carrying out the provisions of this act, there shall be levied annually a tax on the grand list of taxable property of the state, which shall be collected in the same manner as other state taxes, and the proceeds of which shall constitute "the fund of the combined normal and industrial department at Wilberforce university." The rate of such levy shall be designated by the general assembly at least once in two years, and if the general assembly shall fail to designate the rate for any year, the same shall be for the said fund of the "combined normal and industrial department of Wilberforce university" one-hundreth of one mill upon each dollar valuation of such taxable property. The same shall be paid to the treasurer of the normal and industrial department at Wilberforce university in accordance with the provisions of section 12 of said act. All revenue arising from tuitions, sales of products or otherwise under the aforesaid department shall be applied by its board of trustees to defray its expenses, or to increase its efficiency, a strict account of which shall be kept by the department board, and accompany the report to the governor.

Annual tax for department.

Application, account and report of other revenues.

SECTION 2. Said original section 12 is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

131G

[House Bill No. 185.]

AN ACT

To provide against injuries, cuts and punctures to pneumatic tires.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever purposely places or causes to be placed in or upon any avenue, street, alley, road, highway, or public way, any tack, nail, piece of iron, broken glass, bottle, brier, thorn, or other substance, except such substance as may be placed on any avenue, street, alley, road, highway, or public way by proper authority for the repair or construction of the same, which may injure, cut or puncture any pneumatic tire, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars nor less than five dollars.

Penalty for unlawfully placing upon public way substance liable to injure pneumatic tire.

SECTION 2. Such fines when collected shall be paid into the road or street fund of the township or municipal corporation in which they were collected.

Disposition of fines.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16 1896.

132G

[Senate Bill No. 200.]

AN ACT

To amend section 59 of the Revised Statutes.

Journals of the
general assembly.

Preservation,
printing and
distribution of
papers and documents.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 59 of the Revised Statutes be amended so as to read as follows:

SEC. 59. Each clerk shall carefully preserve, during the session, all papers and documents that may be laid before the branch of which he is clerk; and such of them as are ordered by such branch to be printed he shall forthwith deliver to the printer for his use in printing them, and the printer shall immediately print five hundred copies thereof, of which number each of the executive officers shall receive one, and the state librarian five, which he shall preserve, and no extra copies of any paper or document shall be printed unless the same be ordered by joint resolution, adopted within ten days of the day on which the five hundred copies are printed and delivered to the clerks; and if extra copies be so ordered, the printer shall print the same without any charge for composition for such extra copies; and each clerk shall keep a correct list of all papers and documents of which extra copies are ordered to be printed, and also all of such as are ordered to be printed in the appendix to the journal of the branch of which he is clerk, and shall furnish the printer with copies of such lists whenever requested by the printer so to do; and if any paper or document be ordered to be printed in the appendix to either journal before the same is delivered to the printer, the clerk having charge of it shall indorse upon it before sending it to the printer these words, "ordered to be printed in appendix," and if any such paper or document be ordered printed in either appendix within ten days after the same was printed for the use of the general assembly, then no charge for composition can be made for printing it in the appendix.

Repeals, etc.

SECTION 2. That section 59 of the Revised Statutes be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

133G

[Senate Bill No. 216.]

AN ACT

To provide for electrocution.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7338 and 7343 be amended so as to read as follows:

Execution of death sentence:

SEC. 7338. The mode of executing a death sentence must in every case be by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict is dead, and the warden of the Ohio penitentiary, or in case of his death, inability or absence, a deputy warden shall be the executioner, and when any person shall be sentenced, by any court of the state having competent jurisdiction, to be so executed, such punishment shall only be inflicted within the walls of the Ohio penitentiary at Columbus, Ohio, within an enclosure to be prepared for that purpose under the direction of the warden of the penitentiary and the board of managers thereof, which enclosure shall be so constructed as to exclude public view.

Mode; executioner; place.

SECTION 2. All executions of the death penalty by electrocution shall take place according to the provisions of this act, and on the day designated by the judge passing sentence, but before the hour of sunrise of the designated day, and the warden or a deputy warden executing the sentence shall receive for his services fifty dollars to be paid out of any fund on hand appropriated for the maintenance and support of the Ohio penitentiary.

Provisions governing; time; fee of executioner.

SEC. 7343. Unless a suspension of execution be ordered by the supreme court or two judges thereof, the warden or deputy warden shall proceed, at the time and place named in the warrant, to cause the prisoner under death sentence to be electrocuted as prescribed in section 7338; and of the manner of his execution of the warrant and his doings thereon, he shall forthwith make return to the clerk of the county from whence the prisoner was sentenced, who shall record the warrant and returns in the records of the case.

Execution and return of warrant.

SECTION 3. The body of the executed person shall be returned to the friends in any county in the state for burial that they may request in writing, if made on the warden the day before, or on the morning, of the execution; and he may draw his order on the auditor of state, and he on the state treasurer for paying the transportation and other funeral expenses, not to exceed the sum of fifty dollars; and if no request is made by the friends as aforesaid, the body to be disposed of as provided by law for such cases.

Disposition of body of person executed; expenses of funeral.

Execution for
crime commit-
ted prior or sub-
sequent to tak-
ing effect of act.

SECTION 4. Nothing contained in any provision of this act applies to a crime committed at any time before the day when this act takes effect; such crime must be punished according to the provisions of law existing when it is committed, in the same manner as if this act had not been passed; and the provisions of law for the infliction of the penalty of death upon convicted criminals in existence on the day prior to the passage of this act are continued in existence and applicable to all crimes punishable by death, which have been or may be committed before the time when this act takes effect; a crime punishable by death, committed after the beginning of the day when this act takes effect, must be punished according to the provisions of this act and not otherwise.

Taking effect
and applica-
bility.

SECTION 5. This act shall take effect and be in force from and after the first day of July, one thousand eight hundred and ninety-six, and shall apply to all convictions for crimes, punishable by death, committed on or after that date, but shall not apply to convictions punishable by death when the crime was committed before July first, one thousand eight hundred and ninety-six.

Repeals.

SECTION 6. Sections 7338 and 7343 of the Revised Statutes are hereby repealed. The repeal to take effect and be in force on the first day of July, 1896.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

134G

[Senate Bill No. 232.]

AN ACT

To amend section 4 of an act entitled "An act to create the office of dairy and food commissioner," as amended April 19, 1894.

Dairy and food
commissioner:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act entitled "An act to create the office of dairy and food commissioner," as amended April 19, 1894, be amended so as to read as follows:

Assistant com-
missioners.

SEC. 4. Said commissioner may appoint not to exceed two assistant commissioners, whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act

Experts, chem-
ists, agents, in-
spectors and
counsel.

Payment of ex-
penses, etc.; lim-
itation.

shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of the food and dairy commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, shall be paid by the court to the commissioner and by him paid into the state treasury and be credited to the general revenue fund of the state. The center room on the north side of the southwest corridor in the capitol building, now occupied by the dairy and food commissioner, is set apart for his use wherein shall be kept his books, records, and other property of the office. He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

Vacancies in
office of commis-
sioner.

Disposition of
fines collected.

Office, seal, sta-
tionery and sup-
plies.

Annual report.

SECTION 2. That section 4 of "An act to create the office of food and dairy commissioner" as amended May 19, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 16, 1896.

135G

[House Bill No. 307.]

AN ACT

To supplement section 1464 of the Revised Statutes of Ohio, as amended May 4, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1464 of the Revised Statutes of Ohio, as amended May 4, 1891, be supplemented with sectional numbering as follows:

Cemeteries:

SEC. 1464a. Where the trustees of any township own land for cemetery purposes, situated in a city of the third or fourth grade of the second class, they may use such land for cemetery purposes within one hundred (100) feet or the width of a street from any dwelling-house the same as cemetery associations are now authorized to do by sec-

Use of land near
dwelling-house
in city third or
fourth grade,
second class.

tion 3773 [3573] of the Revised Statutes of Ohio, as amended March 22, 1893.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

136G

[House Bill No. 415.]

AN ACT

To provide for the performance of labor on streets and public roads.

Labor upon
streets, etc., of
municipality;
who liable.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any municipal corporation may require each able-bodied male person between the ages of twenty-one and fifty-five years, resident of the corporation, or territory attached as in this subdivision provided, to perform by himself or substitute, in each year, two days' labor upon the streets and alleys of such corporation, or upon the public roads or highways that lie with[in] such attached territory, which labor shall be in lieu of the two days' labor required to be performed upon roads and highways; provided, that active members of volunteer engine companies not exceeding sixty-four, of hook and ladder companies not exceeding thirty, and of hose companies not exceeding twenty, shall be exempt from the performance of such labor during such membership, and, having served faithfully as such for five consecutive years, shall be exempt for five years thereafter; and provided further, that such labor may be commuted by the payment of three dollars (\$3.00) to be expended where the labor should have been applied.

Exempts.

Commutation.

Fines, penalties
and forfeitures
to which delin-
quent liable.

SECTION 2. Upon the refusal to perform such work under the proper street commissioner, or other officer appointed by the council, the delinquent shall be liable to the same fines, penalties, and forfeitures as are provided against persons refusing to perform two days' labor upon the roads and highways in other cases; and the same shall be recovered in the name of the corporation, before the mayor thereof.

Collection of
fines, forfeitures
and penalties.

SECTION 3. The street commissioners, or other proper officers, shall have power to collect by suit, all fines, forfeitures and penalties arising under the provisions of this subdivision, and they are hereby authorized and required, before their annual settlement with the council, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this subdivision, from whom, in the opinion of such street commissioners or other

proper officers, such fine, penalty of [or] forfeiture can be collected.

SECTION 4. All male persons between the age of twenty-one and fifty-five years, able to perform or cause to be performed the labor herein required, except every honorably discharged soldier who served in the United States army during the actual war, pensioners of the United States government, acting and contributing members of companies, troops and batteries of the Ohio national guard during their membership, and any person who is a member of any fire engine, hook and ladder, hose, or other company, for the extinguishment of fire or the protection of property at fires, under the control of the corporate authorities of any municipal corporation, and who receives no pay for such services during the time he may continue an acting member of such company, shall be liable annually, to perform two days' labor on the highways, under the direction of the road supervisor of the road district in which he resides.

Labor upon highways within road district; who liable; exemptions.

SECTION 5. But if a person, being warned as hereinafter provided, pay to the supervisor in whose district he resides the sum of three dollars (\$3.00) within three days after being notified by the supervisor, the same shall be received in lieu of the two days' labor, and shall be applied by the supervisor to the improvement of the roads in his district, and accounted for as herein provided.

Commutation.

SECTION 6. Each supervisor shall order out every such person resident in his district between the fifteenth day of April and the first day of July annually, and direct him to do and perform the work aforesaid on the public roads within the district; the order shall be given to each person at least two days prior for the performance of the labor, either personally, or by written notice left at his usual place of abode; and if any person so notified who is liable to perform such labor, refuses or neglects to attend, by himself or substitute, to the acceptance of the supervisor, or having attended, refused to obey the directions of the supervisor, or spend the time in idleness or inattention to the duties assigned him, he shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of non-attendance, to the amount allowed for two days' work, to be recovered by action before a justice of the peace of the proper township, at the suit of the supervisor within whose district he resides; and the money so collected shall be applied by the supervisor to the improvement of roads in his district, and accounted for by him at the annual settlement with the trustees of his township.

Ordering out and directing of persons liable.

Penalty for non-attendance, disobedience, idleness or inattention.

Application and account of money collected.

SECTION 7. The defendant shall not be entitled to any exemption under any of the laws of this state against execution issued on any judgment and the costs incurred by said supervisor in any suit brought under this act, when

Non-exemption against execution; costs in certain case.

the same can not be collected from the defendant shall be paid by the trustees out of the township fund.

Non-release by neglect to order out; directions governing time of performance.

SECTION 8. No person shall be released from performance of labor on the public highway by reason of neglect of any supervisor to order him out on or before the first day of July; but if the trustees of any township, or any two of them, within three days after the election and qualification of any supervisor within their township, direct him in writing to defer any portion of the work to a date not later than the first of November, then the supervisor shall be governed by the directions so given as to the time the labor shall be performed.

Production or non-production of supervisor's certificate in case of removal.

SECTION 9. If a person remove[d] from one district to another between the first day of April and the fifteenth day of November who has prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified; but without producing such certificate he shall be required to perform two days' labor, or such part thereof as he has not performed under the direction of the supervisor.

Appearance with required implements, teams and vehicles.

SECTION 10. Any person called upon to perform labor upon the public roads and highways under any provision of this chapter shall by himself or substitute, appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon with such necessary tools and implements as the supervisor may direct; and the supervisor may, if necessary for the improvement of the road, require any person owning the same to furnish a team of horses, mules, or oxen, and wagon, cart, plow, or scraper, to be employed and used on the roads under the direction of the supervisor.

Residence fixed.

SECTION 11. For the purposes provided for in the preceding sections, the residence of any person who has a family shall be held to be where his family resides, and the residence of any (other) person shall be held to be where he boards in any road district.

Collection of fines, forfeitures and penalties.

SECTION 12. Supervisors, within their respective districts, shall collect, by suit or otherwise, all fines, forfeitures, and penalties arising and accruing under the provisions of this chapter, unless the collection thereof is otherwise herein provided for; and they are hereby required before their settlement with the township trustees, to prosecute a [to] final judgment all persons neglecting or refusing to comply with the provisions of this chapter, from whom such fine, forfeiture, or penalty, in the opinion of the supervisor, can be collected by execution; and the judgments, if not paid together with the costs thereon, shall remain and be in force against the judgment debtor, as other judgments at law. And the costs incurred by any

supervisor in any suit brought under this chapter, when the same is not collected from the defendant, shall be paid by the trustees of the township out of the township fund.

SECTION 13. Supervisors shall expend all money by them collected, and all other sums that come under his supervision as supervisor shall be applied on the public highway in their respective road districts at the rate not to exceed \$1.50 per day for day labor, and \$3.00 per day for teams, unless otherwise ordered by the township trustees, for the benefit of the roads and highways in their respective districts and every supervisor shall account to the trustees of the township, at the annual settlement, for all money expended under this chapter; and they shall also return a full and true list and statement of the name of all persons within their respective districts who have been ordered out to perform the two days' labor as required herein, and those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this chapter, shall be paid by the justice of the peace or constable collecting the same on demand, to the supervisor of the road district wherein the fine or forfeiture accrued, and the supervisors shall also render an account to the trustees at the annual settlement of all money that remains in their hands at the time of settlement, and all judgments that remain unpaid and the name of the judgment debtor, and the justice before whom such judgments were obtained with the amount thereof; and the trustees shall make such order as to the prosecution of suits by the supervisors of the proper districts, against such delinquents, as in the judgment of the trustees the interest of the township may require.

Expenditures
and account
thereof.

List of persons
ordered out and
of those delin-
quent.

Disposition of
recovered fines
and forfeitures.

Account of
money on hand
and unpaid
judgments.

Order as to pros-
ecutions.

SECTION 14. All money that may remain in the hands of the supervisor at the time of the annual settlement with the township trustees shall be paid to his successor in office as soon as such successor is elected and qualified, and a receipt taken therefor, and he shall deposit the receipt with the township clerk; and any supervisor may sue out executions on any judgments that remain unpaid within his district, at any time when, in his opinion, the same can be collected, and the money so received and collected, shall be expended as provided in the foregoing sections.

Transfer of
money and re-
ceipt therefor.

Executions on
unpaid judg-
ments and ex-
penditure of
proceeds.

SECTION 15. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

137G

[House Bill No. 453.]

AN ACT

To re-enact and amend section 2926b of the Revised Statutes of Ohio, and to enact supplementary section 2926b—1 and to re-enact and amend section 2926f of the Revised Statutes, as amended April 13, 1889, as amended April 28, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2926b of the Revised Statutes of Ohio, be reënacted and amended as follows:

Conduct of elections:

Board of elections, appointment and qualifications of members.

Void votes.

Terms.

Removals; vacancies.

Incumbents.

Appointment, qualifications, term, removal and duties of secretary; vacancy.

SEC. 2926b. In all such cities of the first and second class, except Mansfield and cities of the fourth grade in the first class, a "board of elections," to consist of four electors of such city, of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties, shall be appointed by the mayor. No person shall be appointed, or be a member of such board, who holds an office under the United States, the state of Ohio, except notaries public, or of such cities, or the county in which such city is situated, or who is employed in any department of such city or county, or by any officer of such city or county; and all votes cast at any election for any person who is, or, within three months next preceding such election, has been a member of such board, shall be absolutely void. In the appointment of such board of elections by such mayor, two members of different political parties shall be designated to serve for two years from the date of their appointment, and the other two, also to be of different political parties, shall be designated to serve for four years from that time; and biennially thereafter two members, of different political parties, shall be appointed in the manner as hereinbefore provided, for the term of four years. For misconduct or neglect of duty, such mayor may remove any member of such board; and any vacancy which may occur in such board, by the death, resignation, removal or disability of any of its members, shall be filled by appointment of such mayor, for the unexpired term of such vacancy or vacancies, and so that each political party shall always have an equality of representation in the said board, or as near as may be. Provided, that the members of the boards, existing at the time of the passage of this act, shall continue in office until the expiration of their terms, unless removed for cause as provided by law. A secretary of such board shall be appointed by the members thereof, who shall be an elector of such city, fully qualified for such place, and who shall serve the same for a term of four years; but he may for official misconduct, be removed by the board; the board shall appoint his successors, each for the same term of years, and in case of death, resignation or removal of the secretary, shall fill the vacancy for the unexpired part of such term. The secretary shall, subject to the control of the board of elections, keep a full and true record of their proceedings, file and preserve in their office all

orders, rules and regulations in any wise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office or administration of such board of elections; he shall also have the care of the ballot-boxes while deposited at the office of such board of elections; and he shall perform all such other or further duties pertaining to such office and affairs as shall be prescribed by such board. The board of elections shall have a sufficient and suitable office and rooms for the purpose herein required, which shall be in charge of their secretary, and shall be kept open daily, except Sundays and legal holidays, in cities of the first and second grades in the first class, and in [at] such times as the board of elections may require in cities of the third and fourth grades in the first class, and first, second, third and fourth grades, in the second class. Each member of the board of elections and the secretary, shall, before entering upon the discharge of their office, take and subscribe an oath to support the constitution and laws of the United States, and the state of Ohio, and faithfully discharge the duties of their office, and to make their utmost endeavors to secure fair and honest elections, which oath shall immediately be filed in the office of the city clerk of such city and [be] preserved by him.

Office of board.

Oath of member and secretary.

SECTION 2. That the following section be enacted as supplementary to section 29266 with sectional number 29266—1:

SEC. 29266—1. In Richland county and in all counties which now contain, or which may hereafter contain a city of the fourth grade in the first class, a board of elections for such city and county to consist of four electors of such county of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties which cast the highest and the next highest number of votes in such county at the next preceding November election, shall be appointed by the secretary of state. Provided that if the executive committees of the two political parties casting the highest and the next highest number of votes in such county at the last preceding November election, recommend qualified and suitable persons to the secretary of state at least ten days before the appointments are made, then the secretary of state shall appoint the persons so recommended to the number to which each party is entitled; but if no recommendation is made as above provided, or, if in the judgment of the secretary of state,

Boards in Richland and Stark counties: appointment and qualifications of members.

Recommendations by party executive committees.

Terms.	any person or persons so recommended shall be regarded by him as an unsuitable or improper person for such position, then the secretary of state shall make said appointments agreeably to the provisions of this act. In the appointment of such board of elections by the secretary of state, two members of different political parties shall be designated to serve for two years from the date of their appointment, and the other two, thereof, of different political parties, shall be designated to serve for four years from that time; and biennially thereafter two members of different political parties, shall be appointed in the manner as
Incumbents and their successors.	hereinbefore provided for the [term] of four years. Provided, that in Richland and in all such counties containing a city of the fourth grade in the first class, the terms of the members of the present boards of elections shall expire on the 31st day of May next, and their successors, and a secretary for such boards shall be appointed in accordance with the provisions of this act, on or before the first day of June, 1896, and annually or biennially thereafter as required by this act. For misconduct or neglect of duty, the
Removals; vacancies.	secretary of state may remove any member of said board, and any vacancy which may occur in such board by death, resignation, removal or disability of its members, shall be filled by appointment of the secretary of state for such unexpired term or terms, and all appointments to positions on said board shall be so made that each of the two leading political parties shall at all times have as near as may be equal representation in said board. The secretary of
Appointment, qualifications, term and removal of secretary; vacancy.	state shall also appoint a secretary of such board, who shall be an elector of such county, fully qualified for such place, and who shall serve for a period of four years; but he may be removed by the board for any official misconduct, and the votes of not less than three members of the board shall be necessary for such removal. In case of a vacancy in the office of secretary from any cause, the secretary of
Powers and duties of members and secretary.	state shall appoint his successor. The members of the board and the secretary appointed hereunder shall have the same powers and perform all of the duties prescribed in section 2926b and such other and further powers and duties as are prescribed by law.

SECTION 3. That section 2926t be so amended as to read as follows:

Salaries of members of board.

SEC. 2926t. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of one thousand dollars (\$1,000) per annum, in cities of the second grade in the first class, a salary of six hundred dollars (\$600) per annum. And in cities of the third and fourth grades in the first class, and the first and second grades of the second class, a salary of four hundred dollars (\$400) per annum, payable quarterly, and in cities of the third grade, and third grade a, in the second class, a salary of two hundred dollars (\$200) per annum, payable quarterly, and in

cities of the fourth grade in the second class a salary of fifty dollars (\$50) per annum, payable semi-annually. The secretary of the board of elections in cities of the first grade in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars (\$2,400) per annum, in monthly payments, and in cities of the second grade in the first class, a salary of two thousand dollars (\$2,000) per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars (\$600) per annum, in monthly payments. In counties containing a city of the first class, fourth grade, each member of the board shall be paid a salary of four hundred (\$400) dollars, three hundred of which amount to be paid from the city funds and one hundred from the general fund of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty (\$650) dollars, four hundred and fifty dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly instalments. And in cities of the first and second grades, second class, a salary of five hundred dollars (\$500) per annum, in monthly payments, and in cities of the third grade, and third grade *a*, of the second class, a salary of two hundred dollars (\$200) per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade in the second class, a salary of one hundred dollars (\$100) per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' services actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk or city auditor of such city,

Salary of secretary.

Salaries of members and secretary in Stark county.

Salary of secretary—concluded.

Compensation of registrars, judges and clerks; expenses to be paid by county.

but for all general elections, other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

Repeals, etc.

SECTION 2 [4]. Sections 2926b and 2926t as heretofore amended are repealed and this act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

138G

[House Bill No. 492.]

AN ACT

To repeal section 975 of the Revised Statutes of Ohio.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 975 of the Revised Statutes of Ohio be and the same is hereby repealed.

Taking effect.

SECTION 2. This act shall take effect and be in force from and after the first day of March, 1897.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

139G

[House Bill No. 509.]

AN ACT

To amend section 2701 of the Revised Statutes of Ohio, as amended April 18, 1892 (89, O. L., 417).

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2701 of the Revised Statutes of Ohio, as amended April 18, 1892 (89 O. L. 417), be amended so as to read as follows:

Power to issue bonds or borrow money to change but not increase indebtedness.

SEC. 2701. The trustees or council of any municipal corporation, for the purpose of extending the time of the payment of any legal indebtedness, which from its limits of taxation such corporation is unable to pay at maturity, or when it appears to the said trustees or council for the best interest of the said municipal corporation, shall have:

power to issue bonds of such corporation or borrow money so as to change but not increase the indebtedness, in such amounts and for such length of time and at such rate of interest as the council may deem proper, not to exceed the rate of six per centum per annum, payable annually or semi-annually; provided, however, that no indebtedness of any such municipal corporation shall be funded, refunded, or extended, unless such indebtedness shall first be determined to be an existing valid and binding obligation of any such municipal corporation by a formal resolution of the trustees or council of such municipal corporation, which resolution shall also state the amount of the existing indebtedness to be funded, refunded or extended, the aggregate amount of bonds to be issued therefor, their number and denomination, the date of maturity, the rate of interest they shall bear, and the place of payment of principal and interest; provided that no such resolution declaring an indebtedness to be existing valid and binding shall be deemed or held to make valid in the hands of any holder, any bond or obligation issued in pursuance of such resolution and under authority of this act, for the purpose of funding, refunding or extending the time for payment of an indebtedness otherwise unauthorized or illegal.

Resolution as to such indebtedness.

SECTION 2. That section 2701 of the Revised Statutes as amended April 18, 1892, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

140G

[House Bill No. 546.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897^w be enacted supplementary to said section 897 of the Revised Statutes as follows:

County commissioners:

SEC. 897^w. Each county commissioner who shall hereafter be elected in all counties having by the federal census of 1890, or any subsequent federal census a population of not less than 40,634 nor more than 40,654, shall receive a salary of \$1,000 per annum, payable in equal monthly instalments out of the county treasury upon the

Salary, duties and traveling expenses in Allen county.

warrant of the auditor; and each commissioner in such counties shall, if necessary to the proper and efficient discharge of his official duties as such commissioner, devote his entire time to the duties of his office, and shall receive nothing in addition to the salary so provided either directly or indirectly by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which, before being paid, shall be presented in an account and approved in writing by the prosecuting attorney and probate judge of such county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 16, 1896.

141G

[House Bill No. 605.]

AN ACT

To supplement section 202 of the Revised Statutes.

Attorney-general:

Appointment,
qualification,
bond, powers
and duties of
assistant attorney-general.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 202 Revised Statutes be supplemented as follows:

SEC. 202a. The chief clerk of the attorney-general appointed by him shall hereafter be known as the assistant attorney-general. He shall be an attorney at law and shall give bond to the attorney-general in the sum of five thousand dollars, with two or more sureties, conditioned for the faithful discharge of his duties. In case of the absence or inability of the attorney-general, the assistant attorney-general shall have the powers and perform the duties of the attorney-general.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 16, 1896.

142G

[House Bill No. 388.]

AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1896, and the first quarter of the fiscal year ending February 15, 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

General appro-
priations for
1896 and 1897.

Adjutant-General's Department.

Transportation of indigent soldiers.....	\$150 00
Repairs of state arsenal.....	300 00
Contingent expenses and inspections.....	1,500 00
Publishing rosters of Ohio troops.....	300 00
Carpets and furniture.....	150 00
Stenographer	400 00

Ohio National Guard.

Pay of Ohio national guard.....	\$37,372 00
Subsistence Ohio national guard.....	14,000 00
Fuel Ohio national guard.....	3,010 00
Transportation Ohio national guard.....	12,000 00
Horse hire Ohio national guard	2,512 50
Forage for horses Ohio national guard.....	441 55
Incidental expenses of military companies....	14,500 00
Uniforms, overcoats and blankets.....	4,987 00
Tents and repairs.....	5,896 00
Care of military stores and freight on arms....	1,100 00
Rent of armories.....	16,818 00
Sewerage and improvements of state camp- ground at Newark.....	2,500 00

State-House and Grounds.

Salary of four (4) regular laborers.....	\$1,878 00
Extra labor.....	750 00
Fuel for state-house.....	1,500 00
Material and repairs.....	1,000 00
Care and repair of heating apparatus.....	1,200 00
Water rent.....	667 00
Electric lighting for state-house.....	4,000 00
Electric light plant for state-house, to be ex- pended under the supervision of the gover- nor, adjutant-general and attorney-general.	14,000 00

Agricultural Experiment Station.

For new construction.....	\$22,000 00
Bulletin illustration.....	200 00
Special work in entomology.....	1,000 00
Substations, pupils' experiment.....	1,100 00

General appro-
priations for
1896 and 1897.

Special work in botany, horticulture and chem- istry	1,400 00
General repairs and supplies.....	2,500 00

Attorney-General's Office.

Fees on collections.....	\$1,200 00
Salary of clerk.....	1,200 00
Books and furniture and carpets.....	200 00
Contingent	300 00
Extra clerk hire.....	900 00
Exchange of typewriter.....	57 00

Auditor of State.

Transcribing land records.....	\$1,125 00
Contingent expenses.....	2,000 00
Carpets, furniture and file-cases.....	1,000 00
Clerk hire and preparing forms.....	2,850 00

State Archæological and Historical Society.

Current expenses.....	\$1,200 00
Care of Fort Ancient.....	310 00
Publications	800 00
Field-work, etc.....	1,000 00
Purchase of remaining portion of Fort Ancient.	5,200 00

Board of Agriculture.

Encouragement of agriculture.....	\$4,700 00
Contingent expenses.....	700 00
Crop and stock reporting service.....	1,300 00
Furniture and repairs.....	400 00

Board Appraisers and Assessors.

Salaries of members.....	\$3,750 00
Contingent expenses.....	525 00
Attorneys' fees in sustaining Nichols law and excise tax law.....	3,000 00

Board of Arbitration.

For per diem and expenses of members.....	\$750 00
Typewriter and desk.....	130 00

Board of State Charities.

Expenses	\$2,506 00
Investigations	300 00

Board of Health.

Expense of board.....	\$8,250 00
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Board of Public Works.

For keeping in repair and improvement of Miami and Erie canal.....	\$5,000 00
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For keeping in repair and improvement the southern divisions of Ohio canal twenty-two thousand five hundred dollars, two thousand five hundred dollars of which sum to be used in repairing and operating a dredge	22,500 00
For keeping in repair and improvement the northern divisions of Ohio canal and Walhonding canal.....	18,000 00
The earnings of the Miami and Erie canal, the northern division and the southern division of the Ohio canal are hereby appropriated.	
Traveling expenses of members.....	900 00
Contingent expenses.....	375 00
Attorneys' fees.....	400 00

Canal Commission.

Expenses of commission.....	\$2,875 00
Salaries of members.....	1,500 00
Recording plats, papers, etc.—(unexpended balances reappropriated).....	320 00
Monumenting surveys.....	450 00

Dairy and Food Commissioner.

Expenses of commissioner.....	\$900 00
Expenses of assistant commissioner.....	1,100 00
Inspection and prosecution, analysis publication and payment of clerk and stenographer...	34,500 00
Contingent expense.....	600 00

Fish and Game Commission.

Expenses of commission, eight thousand five hundred dollars, five hundred dollars of which to be used for a pheasant hatchery, and five hundred dollars for the repair of fish car.....	\$8,500 00
The unexpended balance in hatching fund is hereby appropriated to the expenses of the commission.	

Live Stock Commission.

Expenses of live stock commission.....	\$1,000 00
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Commissioner of Labor Statistics.

Traveling expenses.....	\$ 50 00
Salary of chief clerk.....	975 00
Salary of clerk.....	540 00
Salary of clerk.....	400 00
Salary of stenographer.....	540 00
Contingent expenses.....	6,000 00
Furniture and carpets for employment offices..	250 00

Commissioner of Common Schools.

Salary of stenographer.....	\$450 00
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General appro-
priations for
1896 and 1897.

Traveling expenses of commissioner.....	563 00
Contingent expenses.....	675 00
Per diem and expenses of state board of ex- aminers	750 00
Boxing and shipping.....	200 00

Governor's Office.

Contingent expenses.....	\$1,900 00
File-cases	100 00
Filter and fitting.....	125 00
Executive clerk.....	300 00
Commission clerk.....	300 00
Corresponding clerk.....	300 00

State Horticultural Society.

Expense of state horticultural society.....	\$1,000 00
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Chief Inspector of Mines.

Contingent expenses.....	\$3,100 00
Clerk hire.....	775 00
Exchange of typewriter.....	70 00

Inspector of Workshops and Factories.

Traveling expenses of chief inspector.....	\$123 00
Salaries of district inspectors (eleven).....	8,209 00
Traveling expenses of district inspectors.....	3,731 00
Contingent expenses.....	640 00
Clerk hire.....	2,565 00
Scientific appliances.....	100 00

Judiciary.

Salaries of judges.....	\$240,000 00
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Law Library.

Books and cataloguing.....	\$1,875 00
Contingent fund.....	225 00
Shelving, furniture and repairs.....	400 00
Carpets and rugs.....	200 00

Legislature.

For salaries and mileage of members of the gen- eral assembly, per diem of clerks, sergeants- at-arms and employes while the general as- sembly is in session, and the payment of the clerks of the house and senate after ad- journing, as provided in sections 39, 43 and 45, of the Revised Statutes.....	\$33,000 00
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For chief clerks of the senate and house of representatives twelve hundred (\$1,200) dollars each, for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars, to each, shall be fully paid, two thousand four hundred dollars.....

2,400 00

Contingent expense of senate.....

3,000 00

Contingent expense of house.....

3,500 00

Expense of legislative committees.....

2,000 00

Contingent expense of senate clerk.....

150 00

Contingent expense of house clerk.....

150 00

Furniture and repairs in house clerk's office..

350 00

For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms after the adjournment of the general assembly, in the spring of 1896, and taking care of the same until January 1, 1897, and for taking care of the bill-books and other property of the members, as requested by them, one thousand dollars (\$1,000), to be paid at the rate of four dollars per day, on the warrant of the auditor of state.....

1,000 00

For an assistant for said Frederick Blenkner in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, four hundred dollars (\$400), to be paid to said assistant on the warrant of the auditor of state.....

400 00

Prosecution and Transportation to Ohio Penitentiary.

Prosecution and transportation of convicts....\$100,000 00

Secretary of State.

Extra clerk hire.....\$1,000 00

Salary of stenographer.....938 00

Contingent expenses.....1,550 00

Distribution of books.....2,250 00

Stationery.....7,125 00

Attorney's fees.....500 00

General appro-
priations for
1896 and 1897.

State Library.

Stenographer and typewriter.....	\$540 00
Contingent expenses and extra labor.....	900 00
Books and papers.....	1,750 00
Repairs and furniture.....	500 00
Carpet	375 00

Superintendent of Insurance.

Salaries of extra clerks.....	\$1,250 00
Attorney's fees.....	1,000 00
Contingent expenses.....	1,150 00

Bureau of Building and Loan Associations.

Salary of clerk.....	\$700 00
Salary of extra clerk.....	400 00
Contingent expenses.....	375 00
Attorney's fees.....	125 00

Supervisor of Public Printing.

State printing.....	\$41,200 00
Printing election laws.....	400 00
State binding.....	34,000 00
Printing railroad maps.....	1,400 00
Contingent expenses.....	131 00
Binding machinery.....	2,500 00

Supreme Court.

Contingent fund.....	\$225 00
Furniture, cleaning and repairs.....	100 00
Janitor	750 00
Attendance	600 00
Carpets, rugs and linoleum.....	200 00

Clerk of the Supreme Court.

Stenographer	\$600 00
Contingent expenses.....	350 00
File-cases	50 00
Janitor	200 00

Reporter of the Supreme Court.

Contingent expenses.....	\$550 00
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Treasurer of State.

Contingent expenses.....	\$100 00
Collecting auditor of state's drafts.....	1,000 00
Janitor	720 00
Repairing furniture.....	50 00
Typewriter	100 00

Ohio Penitentiary.

Salaries of officers.....	\$14,399 00
Salaries of guards.....	60,123 00

Current expenses	75,246 00	General appropriations for 1896 and 1897.
Rewards to discharged convicts.....	20,950 00	
Ordinary repairs and improvements, including furniture and carpets.....	14,000 00	
Library	500 00	
Sewerage and waterworks.....	3,000 00	
Fire protection.....	500 00	
Expense of executions.....	2,500 00	
Moral and religious instruction.....	250 00	
Any unexpended balance in the fund for the manufacture of gas is hereby authorized to be transferred to the fund for the manufacture of gas and improvement of lights.		

Wilberforce University.

For the uses and purposes of Wilberforce university in the normal and industrial department	\$11,875 00
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Miami University.

For the uses and purposes of Miami university.	\$17,000 00
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Ohio University.

For the uses and purposes of Ohio university...	\$17,000 00
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Athens State Hospital.

Current expenses.....	\$87,000 00
Officers' salaries, trustees' expenses and salary of secretary.....	4,350 00
Ordinary repairs and improvements, including furniture and carpets.....	11,588 00

Cleveland State Hospital.

Current expenses.....	\$85,129 00
Ordinary repairs and improvements, including furniture and carpets.....	10,500 00
Salaries of officers and trustees' expenses....	4,416 00
Retaining wall.....	5,000 00

Columbus State Hospital.

Current expenses.....	\$137,000 00
Salaries of officers and trustees' expenses....	4,501 00
Repairs and improvements, including carpets and furniture.....	14,000 00
For the construction of an electric light plant..	7,500 00
For the construction of an ice and cold storage plant	2,500 00

Dayton State Hospital.

Current expenses.....	\$87,625 00
Officers' salaries and trustees' expenses.....	4,500 00
Ordinary repairs and improvements, including furniture and carpets.....	8,000 00

Toledo State Hospital.

General appro-
priations for
1896 and 1897.

Current expenses, including rent of lands....	\$117,000 00
Salaries of officers and trustees' expenses....	4,268 00
Ordinary repairs and improvements, including furniture and carpets.....	11,332 00
Additions to cottages and disturbed ward....	25,000 00

Longview State Hospital.

Current expenses.....	\$118,500 00
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This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the trustees of said hospital upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriation shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1896, and ending February 15, 1897.

Massillon State Hospital.

For construction.....	\$100,000 00
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Boys' Industrial School.

Current expense fund.....	\$36,500 00
Salary fund and trustees' expenses.....	21,650 00
Repair and improvement fund, including furni- ture and carpets.....	6,000 00
New cottage and equipment.....	10,000 00
Reward fund.....	600 00
Boring for natural gas.....	3,500 00
Drill hall and gymnasium construction.....	3,000 00
Ministerial and lecture fund.....	115 00
Amusements	200 00
For increasing water supply.....	1,000 00
Band instruments.....	300 00
Laundry machinery.....	500 00

Girls' Industrial Home.

Current expenses.....	\$7,642 00
Salaries and expenses of trustees.....	12,660 00
Ordinary repairs and improvements, including furniture and carpets.....	2,500 00
Expenses of lady visiting committee.....	9 00
Religious services.....	250 00
For laundry and fixtures and green-house....	5,000 00

Institution for the Education of the Deaf.

Current expenses.....	\$45,000 00	General appropriations for 1896 and 1897.
Salaries of officers and teachers, and trustees' expenses	19,498 00	
Ordinary repairs and improvements, including furniture and carpets.....	5,750 00	
Foremen and supplies, industrial pursuits.....	4,125 00	
Lumber and nails for boxes.....	750 00	

Institution for Feeble-Minded Youth.

Current expenses.....	\$88,935 00
Salaries of officers and teachers and trustees' expenses	10,076 00
Ordinary repairs and improvements, including furniture and carpets.....	12,000 00
For constructing hospitals.....	5,000 00
Removing and rebuilding old laundry and barn now occupied by children.....	5,000 00
Provided, that the exception to the penitentiary in section 782 of the Revised Statutes of Ohio shall be extended to the institution for feeble-minded youths.	

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances amount received from the general government....	\$13,621 00
Salaries of officers and trustees' expenses.....	5,388 00
Ordinary repairs and improvements, including furniture and carpets.....	6,000 00
For constructing an addition to new hospital and equipment.....	25,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses.....	\$86,831 00
Salaries of officers and trustees' expenses.....	14,656 00
Ordinary repairs and improvements, including furniture and carpets.....	9,000 00
Industrial pursuits, purchase of machinery, etc.	6,000 00
Salaries of foremen and instructors.....	6,334 00
Net earnings.....	1,994 00
Services in chapel.....	275 00
Visiting county homes.....	100 00
Support of orphans outside.....	2,000 00
Entertainment and amusement.....	350 00
For piano.....	400 00

Ohio Hospital for Epileptics.

Current expenses.....	\$63,000 00
Salaries of officers and trustees' expenses.....	4,425 00
Ordinary repairs and improvements, including furniture and carpets.....	8,000 00

General appro-
priations for
1896 and 1897.

For transportation of inmates to and from hos- pital	1,500 00
For purchase of land.....	5,000 00
For construction.....	100,000 00

Working Home for the Blind.

Current expenses and salaries.....	\$3,000 00
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Institution for the Blind.

Current expenses.....	\$28,553 00
Salaries of officers and teachers and trustees' expenses	7,988 00
Ordinary repairs and improvements, including furniture and carpets.....	4,000 00
Gas regulator.....	100 00
Oculist	400 00
Stand-pipe, hydrants, sewerage and connec- tions	12,000 00
Steam mangle and dry-room.....	750 00

Ohio State Reformatory.

Salaries of officers and guards.....	\$20,000 00
Current expenses.....	30,000 00
Clothing	6,000 00
Transportation of convicts to reformatory.....	4,000 00
For construction of wall around the institution.	15,000 00
For construction.....	59,000 00

Printing Commission.

For expenses of commission.....	\$30,000 00
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Miscellaneous.

Pension for Mrs. J. P. Brush.....	\$96 00
To aid in support of deaf mute school at Cincin- nati	2,500 00
To aid in support of deaf mute school at Cleve- land	2,500 00
Expenses of electoral college.....	900 00
Expenses of Mexican exposition commission..	5,000 00
To J. B. Foraker, in full for legal services in Eggleston avenue cases, to be paid out of the funds into which the rentals from the property is covered, which is hereby approp- riated for the purpose.....	5,000 00
To David K. Watson in full for legal services in Eggleston avenue cases, to be paid out of the fund into which the rentals from the property is covered, which is hereby approp- riated for the purpose.....	5,000 00
To David K. Watson in full for legal services in Hamilton basin case, to be paid out of the fund into which the rentals from the prop- erty is covered, which is hereby appropri- ated for the purpose.....	1,500 00

To Thomas McDougall for legal services in Nichols tax case to date.....	5,000 00	General appropriations for 1896 and 1897..
Torrens land commission balance due April 1, 1896, for expenses and stenographers' fees	239 52	
To W. O. Tolford as state agent to collect war claims against the general government, expenses and commissions as provided for in section 3 of an act passed April 16, 1883, vol. 80, p. 122.		

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1896, except in case of specific appropriations to persons named for legal services nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid. All unexpended balances of appropriations for the year 1895 and for which specific purposes appropriations are made by this act, are hereby reappropriated.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

143G

[Senate Bill No. 60.]

AN ACT

Providing for the economical use and disposal of the products of the several benevolent, penal and reformatory institutions of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the board of trustees of each of the benevolent and correctional institutions of Ohio, to wit: Athens state hospital, Cleveland state hospital, Columbus state hospital, Dayton state hospital, Longview hospital, Massillon state hospital, Toledo state

Commission to formulate and adopt rules and methods for interchange of products of state institutions.

hospital, institution for the deaf and dumb, at Columbus, institution for the blind, at Columbus, working home for the blind, at Iberia, institution for feeble-minded youth, at Columbus, Ohio soldiers' and sailors' orphans' home, at Xenia, Ohio soldiers' and sailors' home, at Sundusky, boys' industrial school, at Lancaster, girls' industrial home, at Delaware, Ohio hospital for epileptics, at Gallipolis, and of the board of managers of the Ohio penitentiary and of the board of managers of the Ohio state reformatory, on the fourth Monday after the passage of this act, to designate one member of each of said boards to act and perform the duties of a commission composed of one member from each of said boards, for the purpose of formulating and adopting rules and methods for the interchange, valuation and use, so far as practicable, of the products of each and every one of said institutions, by all other institutions of the state, benevolent, penal and reformatory, and on adoption of said rules and methods by said commission, the same shall be submitted to each of said boards, and by said boards enforced.

Enforcement.

Amendments.

SECTION 2. Each and every year thereafter, and on the fourth Monday of April of each and every year thereafter, said rules and methods may be amended and revised by a commission appointed and acting in the manner designated, and when so amended and revised, the same shall be enforced as amended.

Supplying of available articles to other institution by institution producing same.

SECTION 3. That wherever there is or may be grown, made, manufactured or in any way produced in one institution any article of food, raiment, or use, which may be, or may be made available in the support or maintenance of any other institution, or of the inmates thereof, the same shall, so far as practicable, under said rules and methods so formulated and in force, be supplied by the institution growing, making, manufacturing or producing the same, to the other institutions of the state.

Accounts of interchange, bills and payments therefor and statement of such supplies.

SECTION 4. An account of all such interchange of products shall be carefully kept by the steward of the institution furnishing the same, and also by the steward of the institution receiving the same, and bills thereof and therefor, in all respects as though purchased from these parties, at the lowest prevailing wholesale price of such products, shall be rendered by the steward of the institution furnishing the same, and payments therefor shall be made out of the funds appropriated for each institution, and when paid, shall be paid into the state treasury to the credit of the institution so furnishing said supplies, and it shall be the duty of each steward of each institution to include in his report, in a separate and distinct schedule, a full statement and account of such supplies.

SECTION 5. This act shall be in force from and after the day of its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 17, 1896.

144G

[Senate Bill No. 72.]

AN ACT

To amend section 6a of the act passed April 5, 1894 (91, O. L., p. 118), relating to the conduct of elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6a of the above recited act be amended so as to read as follows:

SEC. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to substitute the name of a candidate of another political party for such office, or to substitute the name of a candidate nominated by petition, it being the intent of this act that when the nomination of a candidate of one party is endorsed by another that it shall be done at the time and in the manner provided for original nominations. Provided, further, that if the name of any candidate, except the name of a candidate for the office of member of a school board or board of education, is certified to the state supervisor of elections or deputy state supervisors or board of elections by two or more political parties, or by a petition of electors and a political party or parties, it shall be unlawful to cause the name of any such candidate to be printed in more than one place on the ballot sheet, if said candidate be certified by two or more political parties or petitioners for the same office. When the name of a candidate is certified as above mentioned, such person whose name is so certified shall within three days from the time the certificate of nomination is filed, notify the state supervisor or deputy state supervisors or board of elections, as the case may be, under which political party name or list of petitioners he desires his name to be printed, and the said election officers when so notified shall print the name in that list only. If the said person, except a candidate for member of any school board, or board of education, whose name is so certified by two or more political parties or petitioners fails to notify the state supervisor of elections or the deputy state supervisors or board of elections, as the case may be, in which list of candidates he desires his name to be printed, then the said state supervisor or deputy state supervisors or board of elections shall print the name in the list of party candidates which was first certified to the state

Conduct of elections:

Substitution of candidate of other party or nominee by petition.

Printing of name of candidate on ballot when two or more certificates for same office filed.

supervisor or deputy state supervisors or board of elections, and in that list only.

Repeals, etc.

SECTION 2. Section 6a of the act passed April 5, 1894 (91 Ohio Laws, page 118), relating to the conduct of elections, is repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

145G

[Senate Bill No. 97.]

AN ACT

To create a better sanitary condition in workshops and factories where dust-creating machinery is used.

Blowers required in factory or workshop where dust-creating machinery used.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons, companies or corporations operating any factory or workshop, where emery wheels or emery belts of any description are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels, used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of dust produced and caused thereby, and to carry away the dust arising from, or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some receptacle placed so as to receive and confine such dust; provided, however, small emery wheels that are used temporarily for tool grinding, that do not create dust enough in the opinion of [the] inspector of workshops and factories to be injurious to the operator, shall be exempt from the conditions of this act.

Exemption.

Penalty for non-compliance.

SECTION 2. Any such person or persons and the managers or directors of any such corporation who shall have the charge or management of such factory, or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of fifty dollars and not exceeding two hundred dollars for each offense, or imprisonment in the county jail not less than thirty days or exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

Enforcement; prosecutions; collection and disposition of fines.

SECTION 3. It shall be the duty of the inspector of workshops and factories to enforce the provisions of the above act, and to prosecute all violations thereof in any court of competent jurisdiction, and all fines shall be col-

lected by the court in which conviction is had, the same to be turned over to the chief inspector of workshops and factories, he to pay same to treasurer of state to be credited to the general revenue fund.

SECTION 4. In all prosecutions brought by or under the direction of the inspector of workshops and factories for the violation of the above act, he shall not be required to give security for costs, but in all cases where the accused be acquitted, or if convicted and found to be indigent, then the costs to be paid out of the treasury of the county in which proceedings are brought, the same as the costs in all cases for misdemeanors are paid.

Non-security for costs; costs in acquittal or indigency.

SECTION 5. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 17, 1896.

146G

[Senate Bill No. 114.]

AN ACT

To supplement section 7306.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7306 be supplemented as follows:

Trial, and proceedings thereon:

SEC. 7306a. Whenever after a conviction of any crime, misdemeanor or violation of a city ordinance in any court inferior to the circuit court, such conviction may be reversed by the circuit court; in each and all such cases the attorney representing the state may take proceedings in error in the supreme court to reverse the order of reversal in the circuit court, and it shall be the duty of the clerk of the circuit court on application by or on behalf of the state to make a record of the docket and journal entries in any such case, and the clerk shall transmit to the supreme court on the precept of the attorney, the record and transcript of all docket and journal entries therein, and of all bills of exceptions, papers and files in the case. And like proceedings shall be had in the supreme court at the hearing of the petition in error as in other cases. And it shall be the duty of the presiding judge of such circuit court to appoint some competent attorney to argue such case against the prosecuting attorney in the supreme court. And such attorney shall receive for his services a fee to be fixed by such circuit court not exceeding one hundred dollars, to be paid out of the treasury of said county upon the order of such circuit court.

Proceedings to reverse order of conviction in circuit court.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 17, 1896.

147G

[Senate Bill No. 135.]

AN ACT

To amend section 917 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 917 of the Revised Statutes be amended so as to read as follows:

County commissioners:

Annual report;
investigation
and publication;
prosecutions
and penalties.

SEC. 917. The county commissioners, annually, on or before the third Monday in September, shall make a detailed report in writing to the court of common pleas of the county, of their financial transactions during the next year preceding the time of making such report. The commissioners of each county shall each forfeit and pay into the county treasury five dollars for each day after the third Monday of September annually, that the making and filing of said report is delayed, and the court shall cause the same to be investigated and examined by the prosecuting attorney of the county, together with two suitable persons to be appointed by the court, and the two persons so appointed shall each be allowed and paid out of the county treasury, on the warrant of the county auditor, the sum of three dollars per day, for the time they are necessarily employed in making said investigation; to aid in their investigation, the persons so appointed, with the prosecuting attorney, to examine said report, shall have power when, in their opinion, it is necessary, or the court shall so order, to subpoena witnesses to appear before them at such time and place as is designated; upon the filing of a precept with the clerk of the court of common pleas, he shall issue [a] subpoena, directed to the sheriff of the county, who shall serve the same and make return according to law; such witnesses may be sworn before any officer authorized to administer oaths and shall thereupon be compelled to answer such questions as are put to them relative to the official transactions of the county commissioners; the clerk of the court shall certify all costs arising under these proceedings to the auditor of the county, who shall draw warrants upon the county treasurer for the payment of the same, and said examiners, when they have completed their examination, with the auditor of the county, shall leave said financial statement, and the report of their examination, with the auditor of the county, for the use of the commissioners,

who shall, immediately thereafter, cause said statement, together with the report of the examiners, to be published in a compact form for one week, in two weekly newspapers of different political parties, printed in the county, if there are two such papers published; if not, then a publication in one paper only is required; and in addition to the publication therein required, be published in one newspaper printed in the German language and having a bona fide circulation of not less than six hundred, if there be such a paper printed, and in general circulation among the inhabitants speaking that language in the county for the same time, and in the same manner; in case of any violation of the law, the prosecuting attorney is directed to cause the same to be prosecuted according to the nature of the case; and if any county commissioners in this state fail or neglect to make the report required of them by this chapter, at the time therein required, they shall be fined in any sum not exceeding one hundred dollars; and the prosecuting attorney of any such county shall prosecute in the court of common pleas, as is provided by law in similar cases, any one or all of such commissioners who neglect or refuse to publish the required statement, as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 17, 1896.

148G

[Senate Bill No. 140.]

AN ACT

To amend section 5916 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5916 of the Revised Statutes of Ohio be amended so as to read as follows: Wills:

SEC. 5916. Every last will and testament (except nuncupative wills hereinafter provided for) shall be in writing, and may be handwritten or typewritten, and such will shall be signed at the end thereof by the party making the same, or by some other person in his presence and by his express direction, and shall be attested and subscribed in the presence of such party, by two or more competent witnesses, who saw the testator subscribe, or heard him acknowledge the same. How will made..

SECTION 2. That said original section 5916 of the Revised Statutes of Ohio, be, and the same is hereby re- Repeals, etc.

pealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

149G

[Senate Bill No. 179.]

AN ACT

To amend sections 4778 and 4779, Revised Statutes of Ohio, and section 4786, as amended February 19, 1896, and section 4804, Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4778 and 4779, Revised Statutes of Ohio, and section 4786, as amended February 19, 1896, and section 4804, Revised Statutes of Ohio, be so amended as to read as follows:

One-mile assessment pikes:

Reduction or abatement of tax.

Collection of tax; what included in certain words.

Property upon which taxes to be assessed.

When bounds of road extend into different counties.

SEC. 4778. If at any time after the first levy is made, the commissioners of any free turnpike road are satisfied that the road can be built with a less sum than is provided in the preceding section, the auditor shall, on the order of the commissioners of the road, reduce the extra tax, or abate it entirely.

SEC. 4779. The county treasurer shall collect the extra tax in the same manner as state and county taxes are collected; provided, that the words "bounds of the road," and "line of the road," wherever used in this chapter, shall be held to include so much land on either side of such road as may be charged with such extra tax.

SEC. 4786. Extra taxes, when levied as hereinbefore provided, shall be on real and personal property within one mile on each side of the free turnpike road, except where any road improvement or free turnpike road, or any toll road, or unimproved state or county road, being unconnected with the same, runs upon either side of such proposed road, within less than two miles, then the extra taxes shall only be levied upon such lands and personal property as lie within one-half the distance of such roads.

SEC. 4804. When the resident landowners along any road in this state, the bounds of which under the provisions of this chapter extend[s] into different counties, wish to improve the same under the provisions of this chapter, they shall petition the boards of county commissioners of their respective counties as required by section forty-seven hundred and forty-four [seventy-four]; and in such case, the commissioners of the different counties may join in carrying out the provisions of this chapter by severally appointing commissioners to lay out and establish a free turnpike

road, in all respects as if said petitioners reside wholly in one county; provided, that when the free turnpike road sought to be laid out under the provisions of this chapter is on the line between two or more counties, then said extra taxes shall be levied on the real and personal property within one mile on each side of the free turnpike road without exception; provided, further, that when a free turnpike road sought to be laid out under the provisions of this chapter, lies wholly within one county, but within one mile of the county line upon either side of such proposed road, upon the petition of a majority of the resident landholders within said county as provided by section forty-seven hundred and seventy-four, then the extra taxes shall be levied on the real and personal property that lies in such county within the bounds of such proposed road as provided by section forty-seven hundred and eighty-six.

When road on line between two or more counties.

When road wholly within one county, but within one mile of county line upon either side.

SECTION 2. That sections 4778 and 4779, Revised Statutes of Ohio, and section 4786, as amended February 19, 1896, and section 4804, Revised Statutes of Ohio, be and the same hereby are repealed.

Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 17, 1896.

150G

[Senate Bill No. 191.]

AN ACT

To authorize the board of trustees of the Ohio state university to issue certificates of indebtedness for certain purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of the Ohio state university, for the purpose, of providing for the speedy erection of needed buildings and improvements, and the securing of needed equipment, and for the payment of the costs, expenses and estimates therefor, as the work progresses, is hereby authorized to issue from time to time certificates of indebtedness to an amount not exceeding in the aggregate three hundred thousand dollars in anticipation of the annual levies authorized by section 3951 of the Revised Statutes of Ohio as amended March 20, 1891 (O. L. 88, p. 159), and as further amended March 9, 1896, provided that the whole amount of said certificates of indebtedness shall be paid by said board of trustees out of the proceeds of such levies on or before December 31, 1903; and provided further that not less than fifty thousand dollars annually

Ohio state university certificates of indebtedness; purpose and amount of issue; redemption.

of such levy shall be set apart for the redemption of the certificates herein authorized.

Attestation; interest; how payable; application of proceeds; sale or other disposition.

SECTION 2. The certificates of indebtedness herein authorized shall be signed by the president and secretary of said board of trustees and sealed with the seal of said university, shall bear such rate of interest not exceeding six per cent. per annum payable semi-annually, as said board of trustees may determine, and shall be payable by said board of trustees out of the revenues in anticipation of which they shall be issued as herein provided; and the moneys arising from the issue of such certificates shall be applied exclusively to the purposes for which such certificates shall be issued. Said certificates of indebtedness shall be sold by said board of trustees at not less than their par value to the highest bidder, after notice of the sale thereof has been given in a newspaper of general circulation in each of the cities of Columbus, Cincinnati, Cleveland, and Toledo or may be issued to contractors for said buildings and improvements in payment of estimates for work and materials done or furnished by them.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 17, 1896.

151G

[Senate Bill No. 296.]

AN ACT

To amend section 2409 of the Revised Statutes of Ohio, as amended March 22, 1893 (O. L., 90, p. 118), and confer additional duties and powers upon waterworks trustees in certain villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2409 of the Revised Statutes be amended to read as follows:

Waterworks:
Salary of trustees; duties of trustees or board.

Duties as to electric light plants in certain villages and cities.

SEC. 2409. The trustees shall receive a fixed salary, to be determined by the council, and the trustees or board shall manage, conduct and control the works, furnish supplies of water, collect water-rents, and appoint all necessary officers and agents, and fix the term of office and the amount of salary of each officer and agent so appointed. Provided, that in all villages situate in counties containing cities of the first grade of the first class and in all cities of the fourth grade of the second class owning and operating in connection with its waterworks an electric light plant for commercial or street lighting, or both, or when such plant is in progress of construction, or when council orders such plant to be constructed in connection with the waterworks, it

shall be the duty of such trustees, in addition to the duties above mentioned, to manage, conduct, control and operate such plant in connection with the waterworks, furnish light, collect light-rents from private consumers, appoint all necessary officers and agents, and fix the term of office and the amount of salary of each officer and agent so appointed, and all money collected for electric light purposes shall be deposited weekly with the treasurer of the corporation, and all money arising from a levy for light purposes, or from the proceeds of the sale of bonds issued for the purpose of constructing or improving the electric light plant, shall be paid out by the treasurer of the corporation on the order of such trustees, which order shall be countersigned by the clerk of the board of trustees; and all the provisions of this chapter relating to the powers, duties, privileges and government of the trustees of the waterworks shall, so far as applicable, control such trustees in the management of such electric light plant.

SECTION 2. That said section 2409 of the Revised Statutes of Ohio as amended March 22, 1893 (O. L., vol. 90, page 118), is hereby repealed. Repeals..

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 17, 1896.

152G

[House Bill No. 422.]

AN ACT

To amend section 2919 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2919 of the Revised Statutes shall be amended so as to read as follows:

SEC. 2919. The person named in the notice as supervisor, or, in his absence or refusal to serve, the person assuming or chosen by the electors present to be such supervisor, shall take an oath that he is a legal voter at such poll, that he will correctly and faithfully conduct such election, protect it against all frauds and unfairness, and carefully and truly canvass all votes cast thereat, in the manner required by the authority appointing the election; and thereupon, except in cities of the second grade of the second class and in counties containing a city of the second grade of the second class, the supervisor shall cause the electors present, possessing the qualifications of persons entitled to vote under the notice to choose two judges and two clerks of elections to assist him in receiving and taking account

Primary elections:

Oath of supervisor.

Judges and clerks; exception as to Dayton and Montgomery county.

Who may administer oath.	of the votes cast, to each of whom shall be administered the same oath taken by the supervisor; and a township trustee or clerk, or an alderman, a member of council, trustee or clerk of a municipal corporation, or a supervisor of election, who has been duly sworn, may administer the oath
Control in cities first class, first and second grades, second class, and Montgomery county.	prescribed in this section; provided, in cities of the first class, and of the first and second grades in the second class, such primary elections shall be under the control of the board of elections, and the polling places shall [be] fixed by such board, and provided further, that in counties containing a city of the second grade of the second class, such primary elections, in the precincts outside of such city shall be under the control of the board of deputy state supervisors of elections for such county, who shall fix the polling places. Such primary elections shall be conducted as required for general elections by section 2926 and supplemental sections, so far as those sections are applicable, and the election officers shall have the powers therein conferred, and the requirements and penalties therein provided shall be enforced. There shall be two judges and a clerk at each polling place opened for the reception of ballots, who shall belong to the party or association holding the election, and who shall be assigned to duty by the board of elections or such board of deputy state supervisors of elections, as the case may be. When necessary to comply with the above requirements the board of elections or deputy state supervisors of elections shall appoint special judges and clerks for primary elections and assign them to duty, but the board of elections or deputy state supervisors of elections shall not be required to hold such primary election for more than two political parties preparatory to nominating candidates for any one election, but at its own discretion it may hold such additional elections. At the close of the canvass, the judges and clerks shall sign and deliver to the candidate having the highest number of votes for each office, or appointment to be filled, a certificate of his election and shall make out a summary statement of votes as required in section 2926 and dispatch it to the chairman of the committee of the party holding the election, and also forthwith deliver the poll-book and tally-sheet, duly made up and certified to the board of elections or deputy state supervisors of elections, as the case may be, and in counties wherein there is a city of the second grade of the second class, where such primary election is to nominate candidates for county offices, the poll-books and tally-sheets from all the precincts in the county shall be returned by the supervisors or judges of election to the deputy state supervisors of elections, who shall canvass the returns and declare the result, and in such counties and in cities of the second grade of the second class, when such primary elections are held and the returns are made as aforesaid, it shall not be necessary to file nomination papers, but the persons appearing from such returns to be nominated shall be con-
Laws governing conduct.	
Judges and clerks.	
Special judges and clerks.	
Number of primaries.	
Certificates and returns of election.	
Montgomery county and Dayton; filing of nomination papers unnecessary.	

sidered as the candidates for the respective offices and their names shall be printed upon the appropriate party ticket, and, except in cities of the second grade of the second class and in counties containing such cities, in cases of doubt or dispute the executive committee as aforesaid, or a committee to be appointed by it, shall canvass the summary statements in the hands of the chairman, and declare the result; and such committee, in order to arrive at a correct result, may also consult and take into account the poll-books and tally-sheets in the office of the board of elections. The polls for such elections shall be opened at 4 o'clock p. m., and shall be closed at 7 o'clock p. m., unless otherwise arranged by the board of elections, or deputy state supervisors of elections. Judges and clerks shall be paid two dollars each for every such election at which they serve in the cities and counties above mentioned and each judge or supervisor delivering the returns as aforesaid, to the deputy supervisors of elections shall be allowed five cents a mile for the distance traveled by him in delivering same and returning to his home, to be paid in the manner provided for general elections. And where in cities of the second grade of the second class and in counties containing such a city, such primary election is for the nomination of candidates for other than municipal, ward or township offices, the pay of the judges, clerks, supervisors, rent of polling places and other expenses, shall be paid out of the county funds in the manner provided for paying same at general elections. The penalties relating to delegates to any convention and providing against fraudulent voting in the sections of the Revised Statutes from 7039 to 7066, inclusive, shall be enforced for the same offense at all primary elections held in this state. No delegate to any political convention in this state shall have power, by proxy or otherwise, to designate another person to serve as a delegate in his place or stead, and any person elected by a primary meeting to serve as a delegate to a convention, who shall give any power or proxy to another to serve in his place or stead, shall be guilty of a misdemeanor, and be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for every such offense.

SECTION 2. That section 2919 of the Revised Statutes, as amended April 16, 1888, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

153G

Canvass in case of doubt or dispute; exception as to Dayton and Montgomery county.

Opening and closing of polls.

Compensation of judges and clerks; mileage of judge or supervisor.

Expenses to be paid by Montgomery county.

Penalties relative to delegates and fraudulent voting.

Proxies unlawful in political conventions; penalty.

Repeals.

[House Bill No. 480.]

AN ACT

To amend sections 1562 and 1564 of the Revised Statutes.

Villages and
hamlets:Petition for in-
junction against
recorder.Filing, docket-
ing and hearing
of petition, and
judgment
thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1562 and 1564 of the Revised Statutes be amended to read as follows:

SEC. 1562. Any person interested may, within sixty days from the filing of the papers with the recorder, as above provided, make application by petition to the court of common pleas, or, if during vacation, to a judge thereof, setting forth the errors complained of, or the inaccuracy of the boundaries, or that the limits of the proposed corporation are unreasonably large or small, or that it is not right, just, or equitable that the prayer of the petition presented to the board of commissioners be granted, or containing any or all of such averments, and praying an injunction restraining the recorder from making the record and certifying the transcript, as above required.

SEC. 1564. The court or judge shall cause said petition to be filed and docketed in the office of the clerk of courts, and shall hear the petition at such time as he shall appoint, not less than twenty days from the filing of the same. And upon such hearing the court or judge may hear evidence upon the matters and things averred in the petition; and if, upon such hearing, no error is found in the proceedings before the commissioners, and no inaccuracy in the boundaries, and if the court shall further find that the limits of the proposed corporation are not unreasonably large or small, and that it is right, just and equitable that the prayer of the petition presented to the commissioners be granted, the petition for such injunction shall be dismissed; and thereupon the clerk shall return the papers to the recorder, with a certified transcript of the order of the court, and the recorder shall immediately record the transcript certified by the commissioners, the petition for the corporation, the map, and the order of the court, and make, forward and deliver transcripts as above provided; but if error is found in the proceedings, or if the boundaries are found to be so inaccurately described as to render indefinite or uncertain limits or extent of the proposed corporation, or if the court shall find that the limits of the proposed corporation are unreasonably large or small, or that it is not right, just or equitable that the prayer of the petition presented to the commissioners be granted, then the court or judge shall make an order enjoining the recorder from making the record; provided that such order shall not be a bar to any subsequent application to the commissioners for the purpose of effecting such incorporation. And the court or judge shall render such judgment as to the payment of the cost incurred in such proceeding for injunction as he shall deem just and equitable.

SECTION 2. Said original sections 1562 and 1564 are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAH EL W. JONES,
President of the Senate.

Passed April 18, 1896.

154G

[House Bill No. 500.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the construction of sewers in cities of the third grade of the second class having a board of public affairs," passed April 15, 1889 (O. L., vol. 86, p. 360).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the third or fourth grade of the second class having a board of public affairs or city council, the said board of public affairs or city council shall have authority to construct sewers through any of the streets, avenues or alleys or parts thereof of the said city and to certify to the said council of any such city the estimated cost of the said construction to the end, that the same shall be paid for and assessed upon the property abutting upon those streets, avenues or alleys, or the parts thereof through which said sewers may be constructed in accordance with the provisions of this supplement and in accordance with the various provisions of law now enacted or hereafter to be enacted applicable thereto and not inconsistent with this act. Provided, that before any such improvement shall be ordered by any such city council there shall be filed with the city clerk a petition praying for the same signed by the owners of a majority of the lots and lands to be assessed therefor counted in feet abutting upon the streets, avenues and alleys in which any such sewer is to be constructed.

Construction of
sewers and as-
sessment of cost
in city third or
fourth grade,
second class.

Petition re-
quired.

SECTION 2. Section one of an act entitled "An act to provide for the construction of sewers in cities of the third grade of the second class, having a board of public affairs," passed April 15, 1889 (O. L., vol. 86, p. 360), be and is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAH EL W. JONES,
President of the Senate.

Passed April 18, 1896.

155G

[House Bill No. 518.]

AN ACT

To amend sections 1 and 2 of an act entitled "An act to provide for graduation from the common schools of subdistricts and special districts," passed March 22, 1892, and amended March 13, 1894.

County school
examiners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 2 of an act entitled "An act to provide for graduation from common schools of subdistricts and special districts," passed March 22, 1892, as amended March 13, 1894, be and the same are hereby amended to read as follows:

Examinations
of pupils of sub-
districts and
special districts;
privilege and
tuition of suc-
cessful appli-
cant.

SEC. 1. Each board of county school examiners shall hold examinations of pupils of the subdistricts and special districts in the subjects of orthography, reading, writing, arithmetic, geography, English grammar, United States history and physiology. Two such examinations shall be held at such place or places, and on such dates as the board of county examiners may determine, and shall be of such a character as shall permit the successful applicants upon the payment of tuition to enter any high school in the county in which the applicant resides, or in any adjoining county in which said applicant desires to attend such high school, and such applicant shall be examined in the county in which such high school is situated, and the tuition of such applicant may be paid by the board of education of the township in which such applicant resides.

Township and
county com-
mencements;
declamation,
essay, annual
address and
diploma.

SEC. 2. The clerk of the township board of education shall provide for holding a township commencement at some place within the township, and shall appoint a teacher of the township to have charge of the same. At this commencement each successful applicant shall be required to deliver an oration or declamation, or read an essay. The board of county school examiners shall provide for the holding of a county commencement at such time and place as they may determine. At this commencement there shall be delivered an annual address provided by the county board of school examiners, at the conclusion of which a diploma shall be presented to each successful applicant who has complied with the provisions of this act.

Repeals, etc.

SECTION 2. That said sections 1 and 2 of said act as amended March 13, 1894, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

156G

[House Bill No. 524.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897^x be enacted as supplementary to section 897 of the Revised Statutes as follows:

County commis-
sioners:

SEC. 897^x. In counties which by the last preceding federal census had a population of not less than 33,939 nor more than 34,000 or which at any subsequent federal census may have such population, each county commissioner shall on and after May 1, 1896, devote his entire time to the duties of his office, if so required and shall receive a salary at the rate of nine hundred (\$900) dollars per annum, to be paid in equal monthly instalments upon the warrant of the county auditor, said salary shall be in full payment for all services rendered, mileage or expenses incurred except when traveling on official business outside of the county each commissioner may be paid his actual expenses, after filing with the county auditor an itemized statement of the same, attested by his oath.

Duties, salary
and expenses in
Fairfield county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

157G

[House Bill No. 548.]

AN ACT

To amend section 7036 of the Revised Statutes of Ohio, as amended April 18, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7036 of the Revised Statutes of Ohio, as amended April 18, 1881, volume 78, page 172, O. L., be amended so as to read as follows:

Offenses:

SEC. 7036. Whoever without lawful authority, maliciously injures or removes any tomb, monument, grave-stone, or other structure, erected to perpetuate the memory of any deceased person, or grand army grave-marker, or any other marker, placed upon the grave of a soldier or sailor of the United States of America, for the purpose of perpetuating his memory, as a soldier or sailor, and marking his grave as such; or any fence railing, or other work, in or around any cemetery, or burial-place, or any tree, shrub, or plant therein, or shall drive thereon with team, for the purpose of plowing, or cultivating said cemetery-

Penalty for un-
lawful injury or
removal of me-
morial, fence,
ornament, etc.,
or injury of cem-
etery ground.

ground, shall be fined not more than five hundred dollars, nor less than twenty-five dollars, or be imprisoned not more than thirty days, or both.

Repeals.

SECTION 2. That said section 7036, as amended April 18, 1881, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

158G

[House Bill No. 580.]

AN ACT

To prevent the spread of yellows, a contagious disease among peach, almond, apricot and nectarine-trees, and to prevent the spread of black-knot, a contagious disease among cherry, prune and plum-trees, or any other contagious disease of fruit-trees, also the infection known as the San Jose scale, and to provide measures for the eradication of the same.

Keeping of fruit-tree infected with yellows, black-knot or San Jose scale, or fruit from infected tree, or sale or shipment of infected fruit, unlawful.

Destruction of infected tree and fruit; penalty for failure or neglect.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to keep, or permit to be kept upon his premises or upon premises under his charge or control, as owner or lessee or otherwise, any peach, almond, apricot or nectarine-tree infected with the contagious disease known as yellows, or to keep any affected part of any cherry, plum or prune-tree infected with the contagious disease known as black-knot, which affects one or more branches or any tree infested with San Jose scale or any of the fruit from any tree infected with peach-yellows, or to sell or offer for sale, or to ship or permit to be shipped to any person in any manner, any of said yellows fruit; that both trees and fruit so infected, except as aforesaid, shall be subject to destruction as public nuisances as hereinafter provided, and it shall be the duty of every person owning any fruit or having in their charge or under their control any fruit from any of the said trees so infected or any of such fruit so infected, except as aforesaid, and of every person having any of said fruit-trees so infected in their charge or under their control as owner, agent, lessee or otherwise, to immediately destroy all trees so infected and all of said fruit so infected by burning the same; and whoever owning any of said fruit-trees so infected, or whoever having any of the same in charge as agent, servant, employe or lessee or otherwise, shall fail or neglect to destroy all of the same within ten days after notice given to him by the township board of fruit commissioners, hereinafter mentioned, of such infected condition, shall be guilty of a misdemeanor, and upon conviction

shall be fined in any sum not exceeding one hundred dollars; provided, however, that in case of the black-knot in any fruit tree, it shall be sufficient to cut away and destroy only the limb or part of the tree affected with black-knot, and destruction or the term destroy in this act shall be construed to mean destruction by fire. It shall be sufficient to extinguish the San Jose scale with effective insecticides.

Black-knot.

"Destruction" construed.
San Jose scale.

SECTION 2. It is further provided that any nurseryman, agent, dealer or other person who shall sell or offer for sale, any fruit-trees for planting that are affected with any contagious disease, or infested with the pest known as the San Jose scale, or other obnoxious insect pest, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars. Wherever the disease known as peach-yellows, also black-knot of the plum, cherry and prune are found to exist, not less than five freeholders in any township in Ohio may petition the township trustees to appoint a township board of fruit commissioners, recommending in said petition three or more of the most competent and best qualified persons known in said township for the position. It shall be the duty of the trustees to speedily appoint for the township fruit commission, two of whom they consider the most capable freeholders in the township, who are growers of fruits liable to be diseased, one of whom must be familiar with the symptoms and nature of the diseases aforesaid mentioned, and shall be the foreman of said commission. If the other member of the commission be unlearned, he shall diligently strive to become acquainted with the diseases they are to investigate. Where any serious difference arises between the two commissioners regarding the infected fruit or trees, the foreman of the nearest outside commission shall be called by the trustees as referee, and his decision shall be conclusive. In case an expert can not be found in the township, the trustees shall employ the nearest one outside the township, that they can find, whose term or service shall continue during the year. The commissioners shall hold the office till the first of April following their appointment. The township fruit commission shall be kept up as long as destructive diseases prevail and there is need of its existence, and the township trustees shall annually appoint the commissioners comprising it at their regular April meeting, and the said commissioners shall take their oath of office and file their acceptance with the township clerk. To aid the trustees in their selection, five or more freeholders, who are interested in fruit-growing, may petition them to appoint certain persons whom they shall name and recommend in said petition for the consideration of said trustees in making their appointment. The compensation for each commissioner shall be \$2 and necessary expenses for each day's time engaged in the business of said office, and one dollar for each half day, all of which shall be allowed by the township trustees, and paid

Penalty for selling or offering diseased or infected tree.

Petition for appointment of township board of fruit commissioners.

Appointment, qualifications, term, oath, etc., of commissioners; foreman; referee.

Recommendations.

Compensation and expenses.

Investigation of charges and removals.

out of the funds of said township. It is further provided that in case a member of the township fruit commission proves seriously inefficient and is unfaithful in the discharge of his official duties, on petition of five freeholders the trustees of said township shall investigate the complaints and charges made against said commissioner, and if they find good and sufficient cause, shall remove him and appoint another person to fill his place.

Clerk of board; duties and compensation.

SECTION 3. The township clerk shall be clerk ex officio of the township board of fruit commissioners, and he shall keep a correct and complete record of all their proceedings in a book to be provided him by the township trustees for that purpose, and he shall file and preserve all papers belonging to said board of commissioners, or either of them, and pertaining to their duties, all of which shall be a part of the public records of said township, and he shall receive such reasonable compensation for such services as the township trustees may allow. It shall be the duty of the Ohio experiment station to publish a bulletin, that shall plainly give full and complete information regarding the causes, symptoms, devastating effects and cure or treatment of peach yellows, black-knot, San Jose scale or other serious contagious diseases of fruits, in sufficient quantity to supply every grower of fruit liable to these diseases, in the state. It shall be the duty of the annual township assessor to record the name and address of every person who owns or has charge of any peach, plum, cherry, prune, apricot or almond-tree or trees, giving the name and number of each kind, and after the canvass of the township to file said report with the township clerk, who, with the aid of the foreman of the township fruit commission, shall inform the state experiment station of the number of bulletins needed in that township, and on receipt of the same the clerk shall mail or deliver one copy to each person who owns or has charge of any and all trees that are liable to serious damage from the contagious threatening diseases treated upon in said bulletin.

Publication of bulletin in regard to diseases.

Record of fruit-growers and distribution of bulletins.

General duties and powers of board; notice to owner or person in charge.

SECTION 4. It shall be the duty of said board of fruit commissioners upon or without complaint to carefully seek out, keep down and stamp out the contagious fruit diseases aforesaid mentioned, also the San Jose scale or other noxious insect pest in every part of the township, during all seasons when the symptoms are plainly to be seen by either of them, to proceed together much as possible, without delay and examine the trees and fruit supposed to be infected, and if any of said diseases are found to exist by said fruit commission, they shall place upon the diseased tree a distinguishing mark, and shall place upon the fruit a placard, and endorse thereon the diseased condition of such fruit, and they shall forthwith cause notice in writing to be served upon the owner of the same, if he be a resident within the county, and if the owner be not a resident of such county, then the written notice may be served upon the

person having the same in charge for the owner or agent, employe, lessee or otherwise; such notice may be served personally or by copy left at the usual residence of any such person, and if no such person resides within such county upon whom service can be made, then such notice may be served by mail by being deposited in a post-office, postage prepaid, and addressed to the post-office address of such person wherever he may reside. Such notice shall contain a simple statement of the facts as found to exist, with an order of said board of fruit commissioners to remove and destroy by burning the trees so marked and designated, the whole tree, roots and branches where infected with yellows, and the branches infected with black-knot, and the fruit so marked by placard, within ten days from date of service of said notice, Sundays excepted, and if any person whose duty it is hereby made to destroy the same, fails, neglects or refuses to destroy the same as mentioned in such order of said commissioners, for a period of ten days after the service thereof, then the said commissioners be and are hereby authorized to enter upon the premises of any person and destroy all such fruit and trees so mentioned and found to be so diseased which they have marked or placarded, and said commissioners are hereby authorized to employ all help and secure all necessary means to so destroy the same, all of which shall be allowed by the township trustees and paid out of the township treasury. And in cases where said commissioners shall execute their own orders upon default of the person whose duty it is to execute the same, the costs shall be paid by the owner of the condemned fruit or trees, and in case of his failure to pay the same and all dues, after demand made by the trustees of such township, the said trustees shall certify the same together with a penalty of 20 per cent. to the auditor of the county to be placed upon the tax duplicate, and the same shall become a lien upon the premises of such person from the time of filing the same with the auditor, and collected by the county treasurer as other taxes. Any person who may be dissatisfied with the action of the township fruit commission in condemning his or her fruit-trees, or diseased fruit, on the ground that said trees or fruit are not diseased, but sound and healthy, may appeal in writing, stating their grievance in full to the township trustees, who shall immediately refer the case through the township clerk, to the professor at the Ohio experiment station, who is an expert in the line of the complaint, whose duty it shall be to forthwith proceed to view the fruit or trees in controversy, and whose decision shall be final. All costs and expenses in the case shall be paid by the complainant if defeated, and if not, by the trustees of the township in which the complaint is made.

Costs when commissioners execute orders.

Appeal of dissatisfied person; decision; costs in case.

SECTION 5. An act entitled "An act to prevent the spread of the yellows, a contagious disease among peach, almond, apricots and nectarine-trees and to prevent the

Repeals.

spread of black-knot, a contagious disease among cherry, prune and plum-trees, and to provide means for the eradication of the same and to repeal an act entitled 'an act to amend section 1 of an act entitled 'an act to eradicate the disease known as black-knot on plum and cherry-trees,' " passed April 4, 1894, is hereby repealed.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

159G

[House Bill No. 608.]

AN ACT

To amend section 621c of the Revised Statutes (O. L., vol. 90, p. 66), passed March 8, 1893.

Justices of the
peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 621c, as passed March 8, 1893, be amended so as to read as follows:

Salary, clerk
hire and office
rent in Colum-
bus.

SEC. 621c. In all cities of this state of the first grade of the second class, each justice of the peace, for services rendered, shall receive in lieu of all fees, a salary of fifteen hundred dollars, and six hundred dollars for clerk hire, and not exceeding three hundred dollars for office rent per annum, payable out of the city treasury, in quarterly payments, on the first Saturday in January, April, July and October in each year.

Repeals.

SECTION 2. That said section 621c, as passed March 8, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 18, 1896.

160G

[Senate Bill No. 74.]

AN ACT

To amend section 3471a of the Revised Statutes of Ohio.

Magnetic tele-
graph compa-
nies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3471a, as enacted January 26, 1887 (84 O. L., 7), be and the said section hereby is amended so as to read as follows:

SEC. 3471a. The provisions of this chapter, so far as the same may be applicable, except section three thousand four hundred and sixty-one, shall apply also to any company organized for the purpose of supplying the public and private buildings, manufacturing establishments, streets, alleys, lanes, lands, squares and public places with electric light and power, or automatic package carrier; and every such company shall have the same powers, except those given by said section three thousand four hundred and sixty-one, and be subject to the same restrictions, as are herein prescribed for magnetic telegraph companies. Provided, however, that in order to subject the same to municipal control alone, no person or company shall place, string, construct or maintain any line, wire fixture or appliance of any kind for conducting electricity for lighting, heating or power purposes through any street, alley, lane, square, place or land of any city, village or town, without the consent of such municipality; and this inhibition shall extend to all levels above and below the surface of any such public ways, grounds or places, as well as along the surface thereof; but this inhibition shall not be applicable to any rights which have heretofore been received and exercised through proceedings of any probate court. Any person or company violating any portion of the inhibition aforesaid shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined in any sum not less than one hundred and not more than five hundred dollars. The means thus created for enforcing said inhibition shall be held to be only cumulative to any other lawful means open to the municipality by way of injunction or otherwise; and this act shall apply to actions and causes of action or proceeding named in section seventy-nine of the Revised Statutes, except such as may be pending on error, and not on appeal, in any circuit court of the state.

Laws applicable to electric light and power and automatic package carrier companies.

Municipal consent; penalty for violation; application of act, etc.

SECTION 2. That said section 3471a shall be and the same hereby is repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1896.

161G

[Senate Bill No. 157.]

AN ACT

To amend section 3697 of the Revised Statutes of Ohio, as amended April 13, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3697 of the Revised Statutes be amended so as to read as follows:

Agricultural corporations:

Organization and aid of county or district agricultural societies.

SEC. 3697. When thirty or more persons, residents of any county, or district embracing two or more counties, organize themselves into a society for the improvement of agriculture within such county or district, and adopt constitutions and by-laws, agreeable to the rules and regulations to be furnished by the state board of agriculture, and appoint the usual and proper officers, and the society pays to its treasurer, by voluntary subscription, or by fees imposed upon its members, any sum of money in each year not less than fifty dollars, and the president of the society certifies to the respective county auditors the amount thus paid, attested by the oath of the treasurer before a magistrate, the county auditors embraced within the district in which such society is organized, shall draw an order on the treasurer of the respective counties in favor of the president and treasurer of the society, for a sum equal to the amount thus raised, not exceeding one cent to each inhabitant of the county, upon the basis of the last previous national census, but not exceeding in any county the sum of four hundred dollars; and the treasurer of the county shall pay the same. Provided, that where in any county containing a city of the second grade of the first class, the site for holding county fairs is situated so far from the geographical center of said county that, in the opinion of the commissioners of said county, the agricultural interests of said county will best be promoted by the establishment of another and additional society and site whereon to hold fairs; upon the organization of such additional society in the manner provided herein, said additional society shall be entitled to receive out of the county treasury in any sum not to exceed the amount which said commissioners are now authorized to allow by this section and section 3702a.

Additional society and fair-ground in Cuyahoga county.

Repeals, etc.

SECTION 2. Said original section 3697 as amended April 13, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 21, 1896.

162G

[Senate Bill No. 164.]

AN ACT

To amend section 2501 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2501 of the Revised Statutes of Ohio be amended so as to read as follows:

Application and grant required prior to performance of any work in construction; renewal of grant.

SEC. 2501. No corporation, individual or individuals shall perform any work in the construction of a street railroad, until application for leave is made to the council in writing, and the council by ordinance shall have granted

Street railroads:

permission, and prescribed the terms and conditions upon, and the manner in which the road shall be constructed and operated, and the streets and alleys which shall be used and occupied therefor, but the council may renew any such grant at its expiration upon such conditions as may be considered conducive to the public interest.

SECTION 2. That said section 2501 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1896.

163G

[Senate Bill No. 185.]

AN ACT

To amend section 7023 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7023 of the Revised Statutes be amended so as to read as follows:

Offenses against chastity:

SEC. 7023. Whoever induces, decoys or procures any female person under eighteen years of age to have sexual intercourse with any person other than himself, or to enter any house of assignation or any house of ill fame for the purpose of seduction or prostitution, or knowingly permits any other person to have illicit intercourse with any female person, of good repute for chastity, upon premises owned or controlled by him, or any keeper of a house of assignation or house of ill fame, who detains or harbors therein any female person under eighteen years of age, shall be imprisoned in the penitentiary not more than five years nor less than one year.

Inducing illicit intercourse, permitting it upon premises, or detaining or harboring female in house of ill fame; penalty.

SECTION 2. Original section 7023 as amended March 5, 1887, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senat

Passed April 21, 1896.

164G

[Senate Bill No. 201.]

AN ACT

Making one-half of every Saturday a legal holiday.

Saturday half-holiday.

Effect as to negotiable instruments.

Application of act

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every Saturday of each and every year shall be a one-half legal holiday, beginning at 12 o'clock noon and ending at 12 o'clock midnight for all purposes whatsoever. Provided that all bills, bonds or promissory notes presentable for payment or acceptance on Saturday or on the preceding day if said preceding day should be a holiday, shall be presentable for acceptance or payment at or before twelve o'clock noon of such Saturday, but if not then paid or accepted, a demand of acceptance or payment therefor may be made and notice of protest or dishonor thereof may be given on the next succeeding secular business day.

SECTION 2. That this apply to all cities or municipalities in the state of Ohio containing 50,000 or more inhabitants.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1896.

165G

[House Bill No. 95.]

AN ACT

To require persons who reside on boats or other watercrafts and engage in any business or traffic on the navigable waters of this state to procure a license, and for other purposes.

Occupancy of watercraft as residence or for purpose of traffic without license unlawful.

Proof of good character and statement of applicant for license.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons to live in or occupy any boat or watercraft as a place of residence or abode, or for the purpose of engaging in any business, trade or traffic on any of the navigable waters or their tributaries within the jurisdiction of this state until there has been granted to such person or persons by the probate court of the county in which such boat or watercraft shall lie or ply, a license to live in or occupy such boat or watercraft as a place of residence or abode and to engage in the business, trade or traffic therein specified.

SECTION 2. The applicant for a license as required by the first section of this act, shall, before such license be granted, furnish satisfactory proof of good character and file in the probate court a statement subscribed and sworn

to by said applicant, setting forth his or her legal residence, the name of the boat or watercraft on which he or she resides or intends to reside, the business, trade or traffic to be engaged in, and if the head of a family, the names and ages of the members composing such family.

SECTION 3. It is herein further provided that the name of such boat or watercraft hereinbefore referred to, shall be painted on both sides of the boat or watercraft in letters of not less than twelve (12) inches in height; and, that the words, "licensed in _____ county, Ohio," be painted on both sides of said boat or watercraft in letters of not less than six (6) inches in height.

Lettering of
watercraft.

SECTION 4. After compliance with section two of this act, and upon payment of a license fee of ten dollars, and the probate judge's fee of two dollars, the applicant shall be granted a license as hereinbefore provided, for himself and his family, valid for one year from the date thereof. The license provided for in this section shall take the place of and be in lieu of the license provided in section 4398 of the Revised Statutes so far as said section 4398 relates to boats or watercrafts.

Granting and
purview of
license; fees.

SECTION 5. A license granted in accordance with the foregoing provisions of this act shall be valid in any county of this state when recorded in the office of the probate judge of the county in which the boat or watercraft is to lie or ply. And for making such record the probate judge shall be paid a fee of two dollars.

Validity of
license when
recorded; fee for
record.

SECTION 6. The probate judge of a county in which a license shall be granted or recorded under the provisions of this act, shall keep a book in which said license so issued, or deposited for record, shall be recorded.

Record of
licenses.

SECTION 7. The license fee of ten dollars required to be paid under the provisions of section four of this act shall be covered into the county treasury and credited to the school fund.

Disposition of
license fees.

SECTION 8. For violating any of the provisions of this act, the person shall upon conviction therefor be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than ninety days or both, at the discretion of the court. Provided that nothing in this act contained shall be construed to apply to any vessel propelled by steam.

Penalty for
violation.

SECTION 9. This act shall take effect and be in force from and after July 1, 1896.

Non-applicabil-
ity to steam
vessels.

Taking effect,
etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

166G

[House Bill No. 147.]

AN ACT

To amend section 4043 of the Revised Statutes of Ohio.

Treasurer of
school funds:Bond of treas-
urer; additional
sureties or new
bond.Production,
counting and
record of mon-
eys and securi-
ties at time of
approval.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4043 be amended to read as follows:

SEC. 4043. Each school district treasurer or county treasurer who is ex officio treasurer of a school district, shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, in double the probable amount of school funds that may come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all such funds which come into his hands; and he may at any time thereafter be required to give additional sureties on his accepted bond or to execute a new bond with sufficient sureties to the approval of the board of education whenever the said board of education deem it necessary, and if said treasurer shall fail for ten days after service of notice in writing of such requisition, to give bond or additional sureties as aforesaid as required by said board, the office shall be considered and declared vacant and shall be filled as in other cases. Every bond, when so executed and approved, shall be filed with the clerk of the board of education of the district, and recorded, who shall cause a certified copy thereof or the names of additional sureties, to be filed with the county auditor without delay, and such board at the time of the approval of any bond or sureties, shall require the treasurer of the school funds to produce all money, bonds or other securities in his hands as such treasurer, and the same shall be then counted by the board or a committee thereof, in the presence of the clerk of the board, who shall thereupon enter upon the records of the board, a certificate, setting forth the exact amount of money or securities so found in the hands of such treasurer, which record shall be signed by the president and clerk of the board and shall be prima facie evidence that the amount therein stated was actually in the treasury at that date.

SECTION 2. Said original section 4043 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 21, 1896.

167G

[House Bill No. 174.]

AN ACT

To amend section 83 of the Revised Statutes of Ohio, as amended April 5, 1894 (91 vol., 121).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 83 as amended April 5, 1894 (91 v.121), of the Revised Statutes of Ohio, be amended so as to read as follows:

Governor:

SEC. 83. Each judge of the supreme court, circuit court, court of common pleas and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law, and not otherwise provided for, shall be ineligible to perform any of the duties pertaining to such office until he shall receive from the governor a commission to fill such office, upon producing to the proper officer or authority a legal certificate of his being duly elected or appointed; and each of the officers above named, except militia officers and notaries public, who receives for the discharge of his official duties any fee, compensation or salary shall, before he shall be entitled to receive such commission pay to the secretary of state for the making out, recording and forwarding thereof a fee of five dollars, excepting each justice of the peace, who shall pay two dollars; and as soon after any election for any of the offices above named as the result shall have become officially known to them, the city board of elections or the deputy state supervisors of elections of each county in this state shall, upon payment to them by each such officer of the fee above prescribed, immediately forward by mail to the secretary of state a certificate of election of each such officer, together with the fee paid to them by such officer, which fee shall be covered into the state treasury for the use of the general revenue fund, and thereupon the governor, upon the filing of such certificate with the secretary of state, accompanied with the fee aforesaid, shall issue the proper commission to such officer and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officer.

Commissions
and certificates
of election of
officers; fees.

SECTION 2. Said section 83 of the Revised Statutes of Ohio, as heretofore amended, is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

168G

[House Bill No. 177.]

AN ACT

To provide for the inspection of all private and public hospitals, reformatory homes, houses of detention, private asylums, and all correctional or reformatory institutions in the state of Ohio.

Institutions open to inspection of county commissioners or board of health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every private or public hospital, reformatory home, house of detention, private asylum, and any institution exercising or pretending to exercise a reformatory or correctional influence over individuals in the state of Ohio, shall be open at any and all times to the inspection of the commissioners of the county in which any such institution is situated, or the board of health of the township, or other municipality in which any such institution is situated.

Semi-annual visits of commissioners.

SECTION 2. It shall be the duty of each and every county commissioner to visit, unannounced, every private or public hospital, reformatory home, house of detention, private asylum, and any institution exercising or pretending to exercise a reformatory or correctional influence over individuals situated in his county, at least once in every six months to note the sanitary condition thereof, and the condition and treatment of the inmates thereof.

Report of investigations.

SECTION 3. It shall be the duty of the county commissioners to file a full and complete report of the investigations of the above named institutions with the prosecuting attorney of the county, which report shall be open to the examination of the public.

Penalty for refusing to permit inspection or interfering therewith.

SECTION 4. Any official, agent, or employe, or other person refusing to permit or in any manner interfering with the inspection of any such public or private hospital, reformatory home, house of detention, private asylum, or any institution exercising or pretending to exercise a reformatory or correctional influence over individuals, by the county commissioners of the county in which such institution, or institutions, are situated, or by the board of health, of the municipality in which the same is situated, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) dollars, or six months' imprisonment, or both, and for each subsequent offense a fine of not less than one hundred (100) dollars, and six months' imprisonment.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 21, 1896.

169G

[House Bill No. 303.]

AN ACT

To amend section 3085 of the Revised Statutes, as amended March 28, 1894, and to repeal supplemental section 3085, as passed March 28, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3085 of the Revised Statutes as amended March 28, 1894, be amended so as to read as follows: Militia:

SEC. 3085. The state acting through the adjutant-general and the commanding officers of the different military organizations of the state, shall provide a suitable armory for each organization for the purposes of drill and for the safe-keeping of the arms, equipments, uniforms, and other military property furnished by the state; which armory shall be inspected and approved by an officer detailed by the commander-in-chief, whose report shall be placed on file in the office of the adjutant-general, and that the sum of three hundred dollars per year is allowed to each company, battery and troop and three hundred dollars to each regiment and separate battalion headquarters to pay the necessary rental and expenses of such armory each year which sums shall be paid to the commanding officer of each company, battery, troop, separate battalion, and regiment each year, but before the same is paid such officer shall execute a bond to the state of Ohio in double the amount thereof, conditioned for the proper expenditure of the same and to account for any balance left on hand unexpended, and the sum of five hundred dollars shall be paid to the adjutant-general each year to pay for the expenses of inspecting such armories and for seeing to the proper securing, distribution, and expenditure of said funds; which said sums shall be provided for by general appropriation. Armories.

SECTION 2. That section 3085 of the Revised Statutes, as amended March 28, 1894, and supplemental section 3085, as passed March 28, 1894, are hereby repealed. Repeals.

SECTION 3. That this act shall take effect and be in force from its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

170G

[House Bill No. 358.]

AN ACT

To apportion the fifth and seventh judicial districts and to authorize the election of an additional judge in the second subdivision of the seventh judicial district and to repeal certain sections.

Transfer of
Adams county
from fifth to
seventh judicial
district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, (two-thirds of the members elected to each branch thereof concurring), That the county of Adams is hereby transferred from the first subdivision of the fifth common pleas judicial district of Ohio to the second subdivision of the seventh common pleas judicial district of Ohio.

Second subdivi-
sion of seventh
district defined;
additional judge
therein.

SECTION 2. That the counties of Adams, Jackson, Lawrence, Pike and Scioto shall constitute the second subdivision of the seventh judicial common pleas district of the state of Ohio, and there shall be one additional judge of the court of common pleas in and for said subdivision and district, who shall be a resident of said second subdivision thereof and elected by the qualified electors of said subdivision. The election of said additional judge shall be held at the annual election therein for state and county officers on the first Tuesday after the first Monday in November, A. D. 1896, and his term of office shall commence on the ninth day of February, A. D. 1897, and shall continue five years, and such additional judge shall be elected at the annual election for state and county officers every five years thereafter for the same term, and commencing at the same time, and shall, when elected and qualified, receive the same compensation as other judges of said court, and shall also in every respect have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties as are now, or may hereafter be enforced or enjoined by the constitution and laws of the state of Ohio, upon judges of said court.

Proclamation
and conduct of
election.

SECTION 3. It shall be the duty of the sheriff of each county comprising said subdivision to issue proclamation as provided by law of said election, which shall be conducted in all respects as now provided by law for the election of common pleas judge.

Vacancy.

SECTION 4. When a vacancy occurs in the office of said additional judge, it shall be filled in the manner now provided for filling vacancies in the office of judge of said court.

Judges hereto-
fore elected and
holding office.

SECTION 5. That the judges of the court of common pleas heretofore elected and holding office in the territory comprising the several subdivisions of the fifth common pleas judicial district and of the seventh judicial common pleas district shall serve out their judicial terms and during the residue of their respective terms be deemed the judges of that subdivision and district hereby formed, in which the residences of such judges were respectively fixed at the

time of the passage of this act; but nothing herein shall be construed to affect the time now fixed for holding of any of the terms of court in any of the subdivisions of said districts for the year 1896.

Time for holding court not affected.

SECTION 6. This act shall take effect and be in force from and after the first day of September, A. D. 1896.

Taking effect.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

171G

[House Bill No. 361.]

AN ACT

To amend sections 4070, 4071, as amended April 12, 1892, and 4075 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4070, 4071, as amended April 12, 1892, and 4075 of the Revised Statutes of Ohio, be and the same are hereby amended to read as follows:

County school examiners:

SEC. 4070. The board shall organize by choosing from its members a president and clerk; the clerk shall keep a record of the proceedings, showing the number and date of each certificate issued, and to whom, for what term, and for what branches of study, and such other statistics relating to the examination and proceedings as the commissioner of common schools may require, and shall report such statistics to the commissioner annually on or before the first day of September; the clerk shall receive four dollars for each examination of sixty applicants or less, six dollars for each examination of more than sixty applicants and less than one hundred, eight dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor; the board may make all needful rules and regulations for the proper discharge of their duty.

President and clerk of board; duties and compensation of clerk.

Rules and regulations.

SEC. 4071. Each board shall fix upon the place and times for holding meetings for the examination of applicants for certificates, notice of which shall be published in two weekly newspapers of different political parties printed in the county, if there are two papers thus published; if not, then a publication in one only is required; the meetings, of which there shall not be more than ten in any year, shall be held at such place in the county as will in the opinion of the board best accommodate the greatest number of applicants; a majority of the board may examine applicants and grant certificates; and as a condition of examining each applicant shall pay to the board a fee of fifty cents.

Meetings for examinations; majority's power; examination fee.

Compensation of
members; sta-
tionery, rooms,
etc.; payment of
expenses.

SEC. 4075. Each member of the board shall be entitled to receive ten dollars for each examination of sixty applicants or less, fourteen dollars for each examination of more than sixty applicants and less than one hundred, eighteen dollars for each examination of one hundred applicants or more, to be paid out of the county treasury on the order of the county auditor; all books, blanks and stationery required by the board shall be furnished by the county auditor; the board may contract for the use of suitable rooms in which to conduct examinations, procure fuel and light; and employ janitors to take charge of the rooms and keep them in order, and the expenses so incurred, together with the cost of advertising required by section 4071, shall be paid out of the county treasury on orders of the county auditor, who shall issue such orders upon the certificate of the president of the board, countersigned by the clerk.

Repeals, etc.

SECTION 2. That said sections 4070, 4071, as amended April 12, 1892, and 4075 be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

172G

[House Bill No. 375.]

AN ACT

To amend section 1239 of the Revised Statutes of Ohio.

Coroner:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1239 of the Revised Statutes of Ohio be amended to read as follows:

Coroner's fees.

SEC. 1239. Coroners shall be allowed the following fees: For view of a dead body, three dollars; for drawing all necessary writings, and return thereof, for every one hundred words, ten cents; for traveling, each mile, to the place of view, ten cents; when performing the duties of sheriff, the same fees as are allowed to sheriffs for similar services. Except that in all counties containing a city of the second or third grade of the first class, the coroner shall be paid in lieu of fees a salary of two thousand dollars per annum, payable in monthly instalments out of the county treasury, on the warrant of the county auditor.

Salary in Cuya-
hoga and Lucas
counties.

Repeals, etc.

SECTION 2. That section 1239 of the Revised Statutes, as amended April 12, 1889, be and the same is hereby

repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

173G

[House Bill No. 380.]

AN ACT

To supplement section 1 of an act entitled "An act to change the name of the intermediate penitentiary to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named," passed April 24, 1891 (vol. 88, p. 382).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 1 of an act entitled "An act to change the name of the intermediate penitentiary to that of the Ohio state reformatory, and to organize and govern the same, and repeal a certain act therein named," passed April 24, 1891:

Ohio state
reformatory:

SEC. 1a. When the board of managers determine to build, enlarge, repair or furnish any building, or buildings, belonging to the Ohio state reformatory, or make any improvement or repair, the cost of which will exceed one thousand dollars, it shall proceed as follows, except in the cases otherwise provided for in the act passed April 24, 1891:

Procedure when
cost of improve-
ment will exceed
one thousand
dollars.

1. The board of managers shall advertise for bids, for the period of four weeks, in two newspapers of opposite politics and of general circulation in Richland county, Ohio, which advertisement shall be entered in full by the secretary of the board, on the record of the proceedings of the board.

2. The bids, duly sealed up, shall be filed with the secretary by twelve o'clock noon, of the last day stated in the advertisement, at which time the board shall meet and open said bids.

3. At the time the bids are opened they shall be publicly read by the secretary, and entered in full on the records of the board.

4. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person that if the bid be accepted a contract will be entered into, and the performance of it properly secured, except that the board may accept a certified check in lieu of a bond when it is so stated in the advertisement for bids.

5. When both labor and material are embraced in the work bid for, each must be separately stated, in the bid, with the price thereof.

6. None but the lowest responsible bid shall be accepted; but the board may in its discretion, reject all the bids, or accept any bid for both labor and material which is the lowest in the aggregate for such improvement or repairs.

7. The contract shall be between the board of managers of the Ohio state reformatory and the bidders; and the board shall pay the contract price for the work, when it is completed, by order upon the state treasury, provided further that the board must pay monthly estimates of ninety per cent. of the work completed as the work progresses.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 21, 1896.

174G

[House Bill No. 394.]

AN ACT

To amend section 2807 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2807 of the Revised Statutes of Ohio be amended to read as follows:

Annual county and city boards of equalization:

Duties and powers as to equalization, additions and deductions.

SEC. 2807. The said boards shall hear complaints and equalize the assessments of all personal property, moneys and credits, new entries and new structures returned for the current year by the township assessors and county auditors; and they shall have power to add to, or deduct from the valuation of personal property, or moneys or credits, of any person returned by the assessor or county auditor, or which may have been omitted by them, or to add other items upon such evidence as shall be satisfactory to the said boards, whether said return be made upon oath of each person or upon the valuation of the assessor or county auditor, but when any addition shall be ordered to be made to any list returned under oath, a statement of the facts upon which such addition was made shall be entered on the journal of the boards. Provided, that no such addition shall be made to such list returned under oath without the board having first given reasonable notice to the person or persons (if their residence be within the county) whose personal property is sought to be added to, or the valuation thereof increased, to appear before said board at

a time and place to be fixed by said board, and show cause why such addition should not be made, or why such valuation should not be increased; and when any reduction shall be ordered to be made in the amount of personal property, or moneys or credits of any person, whether such return be made by such person or by the assessor or county auditor, a statement of the facts on which such reduction was made shall be entered on the journal of the boards. And such boards shall have power, whenever it is made to appear to their satisfaction that any personal property returned by the township assessors or county auditors, for the current year, has been destroyed by fire, flood, tornado or otherwise, after the second Monday in April and before the final adjournment of said boards, to deduct from the valuation of the personal property, or moneys or credits of the owner of such destroyed property so returned, the value of the personal property so destroyed.

SECTION 2. That said section 2807 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

175G

[House Bill No. 479.]

AN ACT

Providing for the abandonment of a certain portion of the side-cut of the Miami and Erie canal, in the city of Toledo, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the side-cut (so-called), of the Miami and Erie canal in the city of Toledo, Ohio, as lies northwesterly of the southeasterly line of St. Clair street and southeasterly of its intersection with Swan creek northwesterly of said St. Clair street in said city, be and the same is hereby abandoned for canal purposes; and the city of Toledo, Ohio, is hereby authorized to enter upon and construct an embankment across said side-cut on the line of St. Clair street, including the necessary ground for slopes, and that portion of said side-cut lying between the other lines of said street is granted to said city.

Abandonment
and ceding of
portion of side-
cut of Miami
and Erie canal
in Toledo.

SECTION 2. That the balance of the land upon which the bed of said cut so abandoned is located, shall be appraised by the canal commission and sold at public auction to the highest bidder, at not less than three-fourths of the appraised value thereof, after having been duly advertised in some newspaper of general circulation in Lucas county, Ohio.

Sale of balance.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

176G

[Senate Bill No. 306.]

AN ACT

To provide for the registration of land titles in the state of Ohio, and to simplify and facilitate the transfer of real estate.

WHO MAY REGISTER, APPLICATION TO, AND PROCEEDINGS FOR, AN ORDER TO REGISTER.

SECTION

1. Who may register.
2. Perpetual leaseholds; how treated
3. When title derived from tax sale.
4. To whom application to be made.
5. What land applicant may include in his application.
6. By whom application of minors, etc., shall be made.
7. What the application shall contain.
8. Form of application.
9. How application amended.
10. To whom application shall be delivered, and how docketed.
11. When court shall fix day for hearing.
12. 'Thirty days' notice to be given, and how.
13. Form of notice.
14. How served.
15. Court may hear, or appoint referee.
16. Court may order hearing by referee.
17. Who may be appointed referee.
18. No applicant refused on grounds of lease, etc.
19. Court or referee may require papers to be filed, or survey made.
20. Surveyor to make survey.
21. Surveyor to make report to court, with plat.
22. Powers of referee.
23. The hearing on application, and order for registration.
24. Referee to make report to court.
25. Court to examine report, confirm, etc.
26. If exceptions to report, court shall hear the same and make order at once.

SECTION

27. If defects found, must be removed.
28. If applicant fail to obey order to remove, application to be rejected, etc.
29. Rejection not a bar, and when re-application can be made.
30. If an action necessary and not determined.
31. Certificate of clerk.
32. Death shall not abate proceedings, and may be completed in name of personal representatives.
33. All parties notified, to set forth claims.
34. Claims filed shall be heard, etc., and jury trial if demanded and allowed.
35. If no jury, court to hear case.
36. Appeal or error to circuit court; that court the court of last resort.
37. When order to register made, probate judge or clerk of court, shall file same and all papers and plat, with recorder and take receipt therefor, who shall take and carefully preserve same.
38. Probate judge or clerk of court of common pleas, to make entry in land transfer docket, etc.
39. Probate court to have full equity and general jurisdiction in all matters under this act.
40. The court shall hear and determine all questions referred to it by recorder.

Who may register.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* The owner, or whoever has the power of appointing or disposing of, an estate in fee simple, in any land of this state, may himself, or through his attorney in fact, have his title to said land registered under the provisions of this act, in the county where the land is situate, and in no other place.

SECTION 2. Perpetual leaseholds shall, for the purpose of this act, be held and treated as fee simple estates.

Perpetual leaseholds; how treated.

SECTION 3. No title derived through a deed in pursuance of a sale for any tax or assessment, shall be entitled to be brought under the operation of this act, until it shall be made to appear to the court in which the application is filed, that the applicant, or those under whom he claims title, have by suit in a court of competent jurisdiction, obtained a final decree establishing the validity of such title.

When title derived from tax sale.

SECTION 4. Any such owner desiring to have land registered under the provisions of this act, shall make application therefor to the court of common pleas, or to the probate court, of the the county where the land is situate.

To whom application to be made.

SECTION 5. The applicant may include in his application all lands in the county owned by him in fee simple, but when more than one tract is included, each separate tract or piece shall be separately described and numbered.

What land applicant may include in his application.

SECTION 6. Application to register the title to land of minors and other persons under disability, shall be made by the guardian or trustee of such person. Application to register the title to land of an insolvent or a deceased owner, shall be made by the assignee or trustee of the insolvent, or the executor or administrator of such deceased owner. Application to register the title to land owned by a corporation, shall be made by the president or secretary, or other authorized officer of the corporation, and if the corporation have a seal, the same shall be affixed thereto.

By whom application of minors etc., shall be made.

SECTION 7. All applications for the registration of the title to lands, shall be in writing, signed by the person or persons making the application, in the presence of two persons who will sign the same as witnesses, and shall be sworn to before a person authorized by law to administer oaths. The application shall set forth the full name of the applicant, and if married, the full name of the husband and wife, and whether either has been divorced, and the postoffice address of each. If the application be made by a guardian or trustee, the full name and postoffice address of the guardian or trustee, how, when and where appointed, the amount of his bond, and the names and postoffice addresses of the bondsmen; the full name, age and nature of disability, and postoffice address of his ward, and with whom he resides. If made by an executor or administrator, or assignee, the full name and postoffice address of the executor or administrator, or assignee, when and by what court appointed, amount of bond, names and postoffice address of bondsmen, the full name and late residence of the deceased owner, or assignor, the full name and address of the wife, widow or widower, the full names and addresses of the heirs, legatees, and in case of assignee, the principal creditors, so far as the same by due diligence can be ascertained; if made by a corporation, the name of the corporation, names and addresses of its president, secretary and managing officers, when and where incorporated, and its principal place of doing busi-

What the application shall contain.

ness. Every application must contain an accurate description of the land, the amount, nature and kind of every incumbrance; the full name and postoffice address of the persons owning the land adjoining the land sought to be registered; if occupied, the full name and postoffice address of the occupant; the kind of estate he holds and when it will terminate, and all easements and inferior estates to the fee simple, either in law or equity, of every kind, must be clearly stated, with the full names and postoffice addresses of the persons holding such estates. The application shall contain such further statements as is [are] required by this act, or may be required by the court in which the application is filed, for the purpose of carrying out the provisions of this act.

Form of application.

SECTION 8. The application shall, subject to such modification as the case may require, be substantially in the following form:

APPLICATION OF OWNER.

Form 1.

No.

State of Ohio, county, ss.

To the court of the county of, and state of Ohio:

(I),, a resident of the county of, and state of Ohio, and having arrived at the age of majority, do hereby apply to have the land hereinafter described, brought under the operation and provisions of the act providing for the registration of land titles, passed by the general assembly of the state of Ohio, on the day of, A. D. 189.., and all acts amendatory and supplementary thereto, and for that purpose (I) do hereby declare:

1. That (my) full name is; that I am married; that (my) full name is; my postoffice address is, and that of my is

2. That (I) am the owner, and seized in fee simple of the following described lands:

3. That (I) obtained the title thereto from

4. That said land is now appraised for taxation at dollars.

5. That said land is encumbered.

(If encumbered, here state fully the encumbrance, as required by section 3, and order of priority.)

6. That the names and postoffice addresses of the persons owning the lands adjoining said lands, are

7. That said land is occupied by (Here state names of occupants, postoffice addresses, terms and time of expiration.)

8. That the taxes for are paid.

9. That there are inferior estates outstanding in said land.

(If any, state fully the name of the owner, and nature of the estate.)

10. (I) hereby attach all deeds, maps and surveys in (my) possession, and agree to furnish such other surveys and information as the court may require, and (I) hereby consent to the provisions of the above entitled act, and ask that the title to the land above described be registered as provided in said act, and hereafter to be dealt with in all respects as registered land, under the provisions of this act, and all amendments thereto.

11. The certificate of title to be issued to

Done this day of, A. D. 189..

Signed in our presence:

.....

.....

.....

State of Ohio, county, ss:

....., being duly sworn, on oath, say that the facts set forth in the above application are true, and that the true condition of the title is therein set forth.

.....

Sworn to and subscribed before me, this day of, A. D. 189..

.....

GUARDIAN'S, ADMINISTRATOR'S OR EXECUTOR'S APPLICATION.

Form 2.

No.

State of Ohio, county, ss:

To the court of the county of, state of Ohio:

(I or we), resident of the county of, state of Ohio, as (executor, administrator, etc., as the case may be,) of the estate of, deceased, (or guardian of as the case may be), do hereby apply to have the land hereinafter described, brought under the operation and provisions of the act providing for the registration of land titles, passed by the general assembly of the state of Ohio on the day of, A. D. 189.., and all acts amendatory and supplementary thereto, and for that purpose do hereby declare:

First—That, late of township, county of, and state of Ohio, died on the day of, A. D. 189.., leaving, his (widow or widower, as the case may be), and, and, and, his only heirs at law (or John Doe is a minor or imbecile, as the case may be), aged years; the postoffice address of each is as follows:

Second—That (I or we, was or were,) appointed (executor, guardian, etc., as the case may be) of said,

on the day of, A. D. 189.., by the
court of the county of and state of Ohio; bond
..... dollars; names and addresses,

(My) postoffice address is

Third—That said, the owner, and
seized in fee simple of the following described lands:

Fourth—That received the title
from

Fifth—That said land is now appraised for taxation at
..... dollars.

Sixth—That said land is encumbered.

(If encumbered, here state fully and succinctly, in order
of priority, all incumbrances and charges of every nature
affecting the land; names of holders and postoffice ad-
dresses. If affecting only a part of the land, an accurate de-
scription of the part affected.)

Seventh—The names and postoffice addresses of the
persons who own land adjoining, are

Eighth—That said land is occupied

(Here state the terms and time of expiration, and
names.)

Ninth—That the taxes for are paid.

Tenth—That there are inferior estates outstanding
affecting said land.

(If any, here state the name and addresses of owners,
and nature of the estates, etc.)

Eleventh—All deeds, maps, surveys, etc., in (my) pos-
session, or under (my) control, are hereto annexed, and
..... agree to furnish such further surveys and informa-
tion as the court may require, and consent fully to
the provisions above given, and ask that the title to the land
above described, be registered in the name of,
as provided in this act.

Twelfth—The certificates of the title to be issued to
.....

Done this day of, A. D. 189..

Signed in our presence:

.....
.....

State of Ohio, county, ss:

....., being duly sworn, say that the facts
set forth in the application to which have sub-
scribed name,, are true, and that the true
condition of the title is therein given.

Sworn to and subscribed before me this day of
....., A. D. 189..

SECTION 9. The application may only be amended by supplementary statements in writing, signed and sworn to as in the case of the original application. **How application amended.**

SECTION 10. The application shall be delivered to the clerk of the court of common pleas, or to the probate judge, who shall forthwith file the same, and indorse thereon the exact time, and shall enter the same in the book to be kept by the clerk and the probate judge for that purpose, and known as the "land registration docket," the dockets to be numbered consecutively, beginning with number one. Each application shall constitute a separate page of said docket, and each application shall be filed in the order of delivery, and numbered consecutively, commencing with number one, which number shall correspond with the number of the page of the docket where the same is entered. **To whom application shall be delivered, and how docketed.**

SECTION 11. The court shall thereupon fix a day for the hearing of the application, which shall not be less than forty days from the date of filing. **When court shall fix day for hearing.**

SECTION 12. Immediately on the filing of such application, the court shall cause the applicant to give notice by publication in some newspaper of general circulation in said county, for the period of four consecutive weeks, inserted once a week, to all whom it may concern. **Thirty days' notice to be given, and how.**

SECTION 13. The notice required by section 12, shall be in substantially the following form: **Form of notice.**

FORM 3.

To whom it may concern:—

You are hereby notified that of, in the county of and state of Ohio, did, on the day of, A. D. 189., file with the court of said county, his application to register his title in and to the following described lands (here briefly describe the same, giving township, lot, etc., in substance as in application), and that be certified as the registered owner thereof. And that on the day of, A. D. 189., at .. o'clock, .. m., at the said court, in the of, in said county, said application will be heard, and order taken in respect thereto, as asked in said application.

You are hereby further notified that if you have or claim any estate or interest in, or any lien upon said lands, or know of any reason why such lands should not be registered, or wish to file objections thereto, you are required to then and there appear and assert your claim, and file your objections to the registry of said land, or the said lands will be ordered registered and brought under the provisions of the act of the general assembly of Ohio, passed the day of, A. D. 189., and thereafter dealt with under said act as registered land, and you will be thereafter forever debarred and estopped from setting up any claim thereto, or therein, except under the provisions of said act.

..... Applicant.

How served.

SECTION 14. Immediately on the first publication of said notice, the publisher shall file with the court as many copies of the notice as the court may require for service, and said court shall cause the applicant, or some other competent person, to serve each person named in said application, resident of the county, with a copy of said notice. And persons named in said application, residents without the county, must be served by sending a copy of said notice to their address by mail. Proof of service shall be made by the sworn affidavit of the person making the same, and filed with the court; such proof must show that such service was made personally or by mail, at least twenty-one (21) days before the day so fixed for the hearing of the application.

Court may hear, or appoint referee.

SECTION 15. At the time set for the hearing of said application, if the court shall find that the service of notice has been made as required by sections 12 and 14, it shall proceed to hear the same, unless for good cause shown, the same is by the court postponed, or the said application is referred to a referee, to be by the court appointed, as hereinafter provided by this act. The court is hereby given full power and authority to appoint a referee, and to order a reference, without consent of parties, in any case under the provisions of this act.

Court may order hearing by referee.

SECTION 16. The court may refer any application to a referee for hearing, the referee to be named by the court. A memorandum of the order for the hearing before such referee, and the name of the referee, shall be entered on the land registration docket. The court may in any case, order the referee to report the facts, reduce the testimony of witnesses to writing, and cause the witnesses severally to sign the same.

Who may be appointed referee.

SECTION 17. No referee shall be appointed to hear an application to register land under this act, who shall not have been regularly admitted to practice law in the state of Ohio, and who is not a resident of, and has not had three years' practice in, the county, in which the application is filed, and skilled in conveyancing, and in no wise interested in the matter referred to him.

No applicant refused on grounds of lease, etc.

SECTION 18. No applicant who is the owner in fee, shall be refused an order of registry of his land on the ground that his title is subject to a lease for a term of years, either fixed or renewable, or is subject to any outstanding lesser estate, mortgage, lien or charge, but every such lease, lesser estate, mortgage, lien or charge shall be noted, both on the order of the court, and by the recorder on the register, and the certificate of title issued to the applicant.

Court or referee may require papers to be filed, or survey made.

SECTION 19. The court or referee, upon the hearing of the application, may require the applicant to file any additional papers, or a complete abstract when deemed necessary by the court, and such court may establish rules for procuring correct abstracts from responsible parties. And where the boundaries or amount of land are in dispute, or the description of said land is imperfect and uncertain,

may require a survey and accurate plat thereof to be made by some competent surveyor, to be named by the court, who shall cause a memorandum of such appointment to be entered on the land registration docket, and shall issue a notice to such surveyor of his appointment, which notice shall contain the description of the land, and the name and address of the owner and the owners of the adjoining land as stated in the application.

SECTION 20. The surveyor thus appointed shall proceed at once to make an accurate survey of said land, and a plat thereof, showing the courses and distances, and location and kind of monuments placed by him, and a certificate thereof, as provided in section 1187 of the Revised Statutes. In making the survey, the surveyor shall be governed by the provisions of sections 1187 and 1193 of the Revised Statutes, and shall have all the power and authority as to such surveys as is provided for county surveyors under chapter 7, title 8, of the Revised Statutes, and, as far as practicable, the surveys so ordered shall be made under the provisions of said chapter. Five (5) days' notice, however, shall in all cases be given to the owners of adjoining lands, of the time of making such survey, if resident of the county, and if non-resident, notice shall be given to the person in possession or occupancy of the same.

Surveyor to
make survey.

SECTION 21. The surveyor shall return to the court the notice issued to him, and therewith his report of such survey, and the plat by him made, duly certified, together with all depositions and evidence taken. And his report shall state as to whether or not the boundary lines are in dispute.

Surveyor to
make report to
court, with plat.

SECTION 22. The referees appointed by the court as herein provided, shall have like powers, and the trials before them shall be had in all respects as provided in sections 5213 and 5216 of the Revised Statutes. The referees appointed under this act shall be sworn as required by section 5217 and their compensation shall be allowed and taxed as hereinafter provided.

Powers of
referee.

SECTION 23. Upon the hearing of an application to register land, the court or referee shall carefully examine the same, together with all records, papers and surveys pertaining to the title of said applicant, as required by this act, and if the statements therein are found by the court to be true, and that the applicant is the owner thereof, and has the fee simple title to the land therein described, and that all of the provisions of this act have been complied with and that the applicant is entitled, under this act, to have the title of said land registered, the court shall order that said lands be registered, and brought under the provisions of this act, and thereafter dealt with as registered land. And the court shall thereupon cause said order to be entered on the land registration docket, upon the page of the application, with the date and exact time of said order, and shall also cause to be made a like entry of said order upon the back of said

The hearing on
application, and
order for regis-
tration.

application, together with his certificate as to its being a true copy of said order, and the probate judge or the clerk of the court of common pleas shall sign the same officially, and attach thereto the seal of the court.

Referee to make report to court.

SECTION 24. When the hearing is before a referee, he shall make a report to the court in writing, signed by him, and attach thereto the evidence and his conclusion of law, together with all original papers, and the report of surveyor and the plat, when a survey has been made. In his report the referee shall also find and state if the application correctly gives the incumbrances of every nature affecting the land, and all inferior and lesser estates, giving the nature thereof, by whom owned, and dates. If he finds it does not, he shall in his report give the same as he finds them at the date of his report, with names and addresses as required in the application.

Court to examine report, confirm, etc.

SECTION 25. Upon the receipt of the report of the referee, and the papers by him returned, the court shall carefully examine the same, and if found correct, and no exceptions are filed, and if the report finds that said lands should be ordered registered, said report and finding shall be confirmed by the court; and the court shall thereupon make the order provided for in section 23 of this act.

If exceptions to report, court shall hear the same and make order at once.

SECTION 26. If exceptions to the report and proceedings had before a referee are taken, as provided by section 5216 of the Revised Statutes, the court shall at once proceed to hear the same, and may confirm, modify or set aside the report, and make such order as the case, under the provisions of this act, shall require.

If defects found, must be removed.

SECTION 27. If the court on examination of the title of the applicant or upon report of the referee, finds any defects in the title which can be removed, the court shall give notice to the applicant of such defects, and that, unless the applicant shall within six months remove said defects, or commence proceedings in the court of common pleas to remove the same, said application will be rejected.

If applicant fail to obey order to remove, application to be rejected, etc

SECTION 28. If the applicant, after being so notified, shall fail for six months to remove the defects, or to produce the evidence and proof necessary to establish in him a good holding title in fee simple, to the satisfaction of the court, or shall fail to obey the orders of the court in regard to the establishment of the title, in the manner and as provided by this act, or shall fail to commence and prosecute a suit for that purpose, when a suit is ordered, or may be necessary, the court shall reject the application in whole or in part, as the case may require.

Rejection not a bar, and when reapplication can be made.

SECTION 29. The rejection of an application shall not be a bar to the filing of another for the registration of the same land, but no such reapplication shall be made, until the defects found by the court upon the former application, have been removed.

SECTION 30. If the court finds that an action is necessary to remove any defect found, and that such action has been brought by the applicant and duly prosecuted, but at the expiration of the six months has not been finally determined, and is still pending, the court may, on the request of the applicant, continue the hearing from time to time, until a final decree is entered in such action. When the action is so determined, the applicant shall notify the court thereof, and file with the court a copy of the decree duly certified by the clerk of the court rendering such decree, under the seal of the court.

If an action necessary and not determined.

SECTION 31. The certificate of the clerk shall give the court the number and title of the cause, giving the names of the plaintiffs and defendants, and a copy of the judgment or decree rendered, and the date of its rendition, and the volume and page of the appearance docket and journal.

Certificate of clerk.

SECTION 32. In case the applicant shall die between the filing of the application and the order of registry, the proceedings shall not abate, but shall be completed in the name of the personal representative of the applicant, and if the land is ordered registered, the court shall order that the certificate issue to such personal representative of the applicant, naming him, in the same manner, and for the same purpose, as hereinafter provided in this act in case of the death of an owner.

Death shall not abate proceedings; and may be completed in name of personal representatives.

SECTION 33. Every person notified, either personally, or by the publication of the notice required by section 12 of this act, of the filing of an application to register lands, who has or claims to have any estate, right, title or interest in, or lien upon the land in the application described, or any part thereof, adverse to the applicant, and that is not fully admitted in the application, shall on or before the day set for the hearing of the application, set forth in writing, their respective claims, giving the nature and particulars thereof. Such written statement shall be signed, sworn to, and filed in the court, on or before the day last aforesaid.

All parties notified, to set forth claims.

SECTION 34. At the time of the filing of such statement of claim, should the claimant be of the opinion that he has a right to trial by jury, a demand therefor must then by him be made, and in default thereof, trial by jury shall thereby be deemed to be waived. Should such demand be made by the claimant, or any party to the proceedings, before the day set for the hearing as aforesaid, it shall be the duty of the court, without any unnecessary delay, to dispose of such demand. Should the court find [that] the claimant, or any party to the proceedings, has a right to require a trial by jury, it shall, as soon as may be, cause an issue to be made up, a jury impanelled, and trial had. Should the trial result in a verdict and judgment thereon establishing an estate in fee simple in such claimant to the whole of the land embraced in the application, the application of the applicant to register shall be rejected; but if only as to a part of the land, then only such part shall be rejected; but if the claim so estab-

Claims filed shall be heard, etc.; jury trial if demanded and allowed.

lished be a lesser estate than the fee simple, the estate or interest so established shall be entered on the land registration docket, and thereafter be treated for every purpose the same as though the claim had been so stated in the original application.

If no jury, court to hear case.

SECTION 35. When trial by jury is waived, or the court shall be of the opinion that no demandant is entitled to a jury as provided in section 34, the court shall proceed to hear and determine the validity of such claim or claims, and make such order or decree as the case may require.

Appeal or error to circuit court; that court the court of last resort.

SECTION 36. The party or parties aggrieved by the finding, judgment, order or decree of the court, provided in sections 34 and 35, and 68 and 69, may appeal, or prosecute error, direct either from the court of common pleas, or probate court, in such manner as is provided by law, to the circuit court, which court shall have final jurisdiction in such cases, and no petition in error therefrom shall be allowed to be filed or prosecuted.

When order to register made, probate judge or clerk of court of common pleas, shall file same, and all papers and plat, with recorder, and take receipt therefor, and carefully preserve same.

SECTION 37. When the order is made and entered in the court, as provided in foregoing sections, and upon the payment of all fees taxed thereon, the probate judge or the clerk of the court of common pleas, shall transmit to the county recorder the application and report of referee, and of surveyor, with the plat, and copies of all orders by the court made, and all the certificates and original papers filed in the court, and shall take the receipt of the recorder therefor, and enter the same on the land registration docket, and endorse thereon the number, which shall correspond with the number of the application, and file and carefully preserve the same.

Probate judge or clerk of court of common pleas, to make entry on land registration docket.

SECTION 38. The probate judge or clerk of the court of common pleas, shall enter in the land registration docket, upon the page thereof corresponding to the number of application, all orders of the court, and the date thereof; a description of the papers filed, with date; and a statement of the fees taxed and paid; and when the final entry is made, shall sign the same. The land registration docket when so signed, or a duly certified copy of the same under the seal of the court, shall be conclusive evidence in all courts of the state, of the facts therein stated, except as otherwise provided in this act. Each application shall constitute but one folium in said docket.

Probate court to have full equity and general jurisdiction in all matters under this act.

SECTION 39. The probate court, in each county of this state, shall have for the purposes of this act, and as to the jurisdiction hereby conferred, all the powers of a court of equity and a court of general jurisdiction.

The court shall hear and determine all questions referred to it by recorder.

SECTION 40. The court shall hear and determine all questions affecting the registration of land, referred to the court by the recorder, as hereinafter provided; and in any such case may order an issue to be made up, by pleadings filed; and may require all parties in interest to be made parties thereto, and trial had as provided in the code of civil procedure.

RECORDERS.

SECTION

- 41. To perform duties under this act.
- 42. To give an additional bond.
- 43. Duty as to application and papers.
- 44. To register and to give owner duplicate.
- 45. Duplicate owner's receipt.
- 46. Duty as to registration and certificate.
- 47. Registration, how made.
- 48. Form of registration and certificate.
- 49. When title deemed registered.
- 50. Tenants in common, how certificate to issue to.
- 51. Certificate of owner of several tracts.
- 52. When new certificate may issue in place of one lost or destroyed.
- 53. Register land titles.
- 54. Record of surveys of registered land.
- 55. Tract indices.
- 56. Alphabetical indices.
- 57. Address of parties on all papers filed.

SECTION

- 58. Address given by non-residents, to be treated as his address for service, until changed.
- 59. As to duplicate papers, etc.
- 60. Instruments filed, how taken from office.
- 61. Certified copies, effect of.
- 62. Record of trusts.
- 63. How recorder can make endorsements.
- 64. Recorder not to receive fee, or act as attorney, etc.
- 65. Owner to receipt for certificate of title.
- 66. Recorder may administer oaths, etc.
- 67. No transfer in auditor's office, duty of recorder as to.
- 68. Recorder may be ordered by court to make entry, etc.
- 69. Party aggrieved, action against recorder.
- 70. Recorder to file all surrendered papers.
- 71. Action against recorders.

SECTION 41. That in addition to the duties now required of them by law, county recorders shall, in their respective counties, do and perform each and every act and duty required of recorders by this act.

To perform duties under this act.

SECTION 42. In addition to the bond now required of county recorders, every recorder shall give an additional bond, with sufficient sureties to be approved by a judge of the court of common pleas, payable to the state of Ohio, in the following sums, to wit: In all counties which at the last federal census had, or at any subsequent federal census may have, a population of less than 25,000, \$15,000; from 25,000 to 50,000 population, \$25,000; from 50,000 to 100,000 population, \$35,000; from 100,000 to 150,000 population, \$50,000; over 150,000 population, \$75,000, conditioned for the faithful discharge of all and singular the duties required of him under this act, and to deliver up all papers, books, records and other property belonging to the county, or appertaining to his office, or coming into his hands by virtue of the provisions of this act, whole, safe and undefaced, when lawfully required so to do. Said bond shall also be conditioned, and the sureties thereon shall be liable, for the faithful discharge of the duties under this act, of the deputy recorder and all clerks of the recorder. The acts of the deputy recorder and all clerks of the recorder shall be held and treated as the acts of the recorder, and he and his sureties on the additional bond shall be liable therefor, the same as if done by the recorder. Said bond shall be deposited with the treasurer of the county, and a certified copy thereof, under the seal of the said treasurer, shall be filed with the clerk of the court, and by him recorded in a book to be provided for that purpose.

To give an additional bond.

SECTION 43. The county recorder shall, upon the receipt of the application, orders and papers from the court, indorse upon the application the exact time when received,

Duty as to application and papers.

and attach thereto his official signature, and shall number each paper, which number shall be the same as the folium of the register; and file and carefully preserve the same in his office.

To register and give owner duplicate.

SECTION 44. The recorder shall thereupon register the land so ordered to be registered, in the "register of land titles," and shall issue to, and in the name of, the person entitled thereto, a duplicate of such register.

Duplicate owner's receipt.

SECTION 45. The duplicate so issued to the person therein named, shall be his certificate of title, as registered owner, of the land therein described.

Duty as to registration and certificate.

SECTION 46. Every registration of title and every certificate of title, shall be signed by the recorder officially, and attested by the seal of his office.

Registration, how made.

SECTION 47. Every registration of title and every certificate of title, made under this act, shall be dated the exact year, month, day and hour of the day when made. It shall state the full name, residence and address of the owner; if married, name of husband and wife; if the owner is a minor, or a person under disability, it must state the full name, residence and postoffice address of guardian or trustee; the full name, age, residence, nature of disability and address of the owner; if a corporation, the corporate name and where incorporated; name and address of president and secretary, cashier or other similar officer, and principal place of doing business; if registration is made in the name of an executor or administrator or assignee, it must state the full name and late residence of the deceased owner or assignor, the full name, residence and address of the executor, administrator or assignee, date of letters testamentary, or of administration, by what court issued; if executor, date of probate of will, and by what court admitted, volume and page of record of will; if assignee, date of assignment; a full and accurate description of the land, and accurate notation and memorandum of every trust, interest or lesser estate than a fee simple in the land; and of all mortgages, liens, charges and other encumbrances, according to priority, to which the title is subject.

Form of registration and certificate.

SECTION 48. Every registration of title, and every certificate of title shall be subject to such modifications as the same may require, substantially in the following form:

No....

Vol...., Page....

CERTIFICATE OF TITLE.

The state of Ohio, county, ss:

Know all men by these presents, that a married man of the of of the county of and state of Ohio, having on the day of, 189..., filed on behalf of (himself) or (himself as administrator, executor, guardian, etc., as the case may

be), his application No. . . . in the court of county, and asking that the title to certain lands therein described be registered, all requirements of law having been complied with, and said court having made an order that said lands be registered in his name.

This certificate therefore declares that said is the owner, and seized in fee simple (If administrator or executor, etc., as the case may be, insert "for the purpose of administration and transmission") of the following real estate, situated in the county of, state of Ohio, and described as follows, to wit: (here accurately describe land.)

Subject to such estates, encumbrances, mortgages, liens, interests and assessments as are notified by memorandum underwritten therein.

In witness whereof I have hereunto signed my name and affixed my official seal at my office in the of in said county of, and state of Ohio, this day of, A. D. 189 . .

[SEAL.] County recorder of county.

SECTION 49. In every registration, the title shall be deemed and held as registered of the exact time of the filing the application, with the endorsement of the order of the court, in the office of the county recorder. In every subsequent transfer the title shall be deemed registered of the exact time of the filing in said office of the transfer. Every other dealing in any way affecting registered land, shall be deemed registered at the time the same is filed in the office of the recorder.

When title deemed registered.

SECTION 50. In all cases where two or more persons are tenants in common of a fee simple estate in land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

Tenants in common, how certificate to issue to.

SECTION 51. Upon the application of any owner of registered land held under separate certificates of title, or under one certificate, and his surrendering up such certificate or certificates of title, the recorder may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land, in accordance with such application, as far as the same may be done consistently with the provisions of law then in force—respecting the parcels of land that may be included in one certificate of title; and upon issuing any such certificate of title, such recorder shall endorse on the register, and on the last previous certificate or certificates of title of such land so delivered up, a memorial setting forth the occasion of such cancellation, and referring to the volume and page of the new registration of title, and the new certificate of title so issued.

Certificate of owner of several tracts.

How recorder
can make
endorsements.

SECTION 63. In all cases where the recorder is required under this act to make an endorsement of any memorandum, memorial, certificate or other notation, or issue certificates of title, or authenticate the register, or any other instrument of [or] paper, it shall be done over his official signature, signed by him in person, unless the recorder is sick or for other cause temporarily absent, when his chief deputy shall perform the acts and duties herein directed; and the same shall be attested by the seal of his office, and shall be dated, which date shall be the exact time of his signing the same.

Recorder not to
receive fee, or
act as attorney,
etc.

SECTION 64. No recorder or deputy, while in office, shall directly or indirectly accept any employment, or be interested in any fees, arising from such employment, as attorney, agent or otherwise, from an applicant, or other person connected with, or concerned in the registration of land.

Owner to receipt
for certificate of
title.

SECTION 65. Before the delivery of any certificate of title, a receipt for it in [the] handwriting of the owner shall be required by the recorder, when practicable. When such receipt is signed in the presence of the recorder or deputy, it shall be witnessed by such officer. If signed elsewhere, it must be witnessed and acknowledged before an officer authorized to take acknowledgments.

Recorder may
administer
oaths, etc.

SECTION 66. For the purpose of carrying out the provisions of this act, the recorder shall have power to administer oaths, issue subpoenas, enforce the attendance and examine witnesses; order surveys and plats thereof, and appoint competent surveyor to make the same. The person or persons so appointed shall have the powers and be governed by the laws regulating county surveyors.

No transfer in
auditor's office;
duty of recorder
as to.

SECTION 67. No transfer of registered land shall be made or entered in the office of [the] county auditor, but county recorders shall annually, on or before the first day of May, make out and deliver to the auditors of their respective counties, an accurate and detailed list of all transfers of registered land, entered on the register during the year preceding, and ending on the day preceding the second Monday of April, stating the names from whom and to whom transferred, the folium of the register of each piece, the consideration named in the transfer, the date thereof, and the township, lot, section and plat where the land is situate, with the quantity of land transferred. The recorder shall file and preserve a duplicate of such lists in his office; the lists shall be certified by the recorder as correct, and signed by him officially, and he shall thereto affix his seal.

Recorder may
be ordered by
court to make
entry, etc.

SECTION 68. Whenever any person interested in registered land, or any estate or interest therein, or charge upon the same, shall be entitled to have any certificate of title, memorial or other entry upon the register cancelled, removed or modified, or a certificate of title issued to him; and the person whose duty it shall be to cancel or modify the same, or to do any act towards the same, shall, upon re-

quest, fail or refuse to so do, or is absent from the county, or can not be found, or for any reason such request can not be made upon him, the probate court, or court of common pleas, upon petition by the person interested, may make such order as may be according to equity in the premises, and upon a certified copy of such order being filed in the recorder's office, the recorder shall make such cancellation, memorial or modification, or issue a certificate of title, as shall be decreed in such order.

SECTION 69. Any person feeling himself aggrieved by the action of the recorder, or by his refusal to act in any matter pertaining to the first registration of land, or any subsequent transfer, or charge upon the same, or failing or neglecting or refusing to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this act, may file his petition in any court of competent jurisdiction, making the recorder and other persons, whose interests may be affected, parties defendant, and the court may proceed therein as in other cases, and make such order or decree as shall be according to equity in the premises and the purport of this act. The clerk of the court making such order shall, under the seal of the court, make a certificate as provided by section 31 of this act, and deliver the same to the recorder, who shall file the same, and make such entry thereof, as by this act required.

Party aggrieved,
action against
recorder.

SECTION 70. All certificates of title, and all other instruments and memoranda in any way affecting the title to registered land, surrendered to the recorder for cancellation, and all other instruments, notices and papers required, or permitted under this act, to be filed with the recorder, shall be dated accurately, and filed under their proper file numbers, and carefully preserved.

Recorder to file
all surrendered
papers.

SECTION 71. Any person sustaining loss, damage or injury through the neglect, omission or carelessness of the recorder, his deputies or clerks, in doing or omitting to do any act, duty or thing required under this act, may maintain an action against the recorder on his bond, for the recovery of the damage so sustained on account of such neglect, omission or carelessness.

Action against
recorder.

EFFECT OF REGISTRATION.

SECTION

- 72. Registered owner holds free from liens, etc. Exceptions.
- 73. Effect of registration on transferee.
- 74. Effect of fraud.
- 75. Effect of forged instrument.
- 76. Effect between unregistered and bona fide registered land.
- 77. Effect of knowledge of unregistered claim.
- 78. Adverse possession does not lie against; and all land under act must remain and be dealt with thereunder.

SECTION

- 79. Register certificate and copies thereof, evidence, and of what.
- 80. All dealings under act and by registering, what agreement implied.
- 81. Order of registration in nature of decree in rem, and effect of.
- 82. Limitation of five years.
- 83. Action not to affect bona fide purchasers.

SECTION 72. The registered owner of any estate, or interest, in land brought under this act, shall, except in case of fraud to which he is a party, or of the person through

Registered
owner holds free
from liens, etc.
Exceptions.

whom he claims, without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges and interests, as may be noted on the last register of title in the recorder's office, and free from all others, except:

First—Any subsisting lease, or agreement for a lease, for a period not exceeding three years, where there is an actual occupation of the land under the lease. The term lease shall include a verbal letting.

Second—All public highways shall be deemed to be excluded from the certificate.

Third—Any tax or special assessments for which the sale of the land has not been had at the date of the certificate of title.

Fourth—Such rights of action as are allowed by this act.

Fifth—Liens, claims or rights arising or existing under the laws of the United States, which the statutes of Ohio cannot require to appear of record upon the register.

Effect of registration on transferee.

SECTION 73. Except as herein otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same, from the registered owner, shall be held to inquire into the circumstances under which, or the consideration for which, such owner, or any previous registered owner, was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand or interest in the land.

Effect of fraud.

SECTION 74. In the case of fraud, any person defrauded shall have all rights and remedies that he would have had if the land were not under the provisions of this act, provided that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for valuable consideration, or of any person bona fide claiming through or under him.

Effect of forged instrument.

SECTION 75. If a deed or instrument is registered which is forged, or executed by a person under legal disability, such registration shall be void, provided that the title of a registered owner who has taken bona fide for a valuable consideration, shall not be affected by reason that he claims title through some one, the registration of whose right or interest was void, as provided in this section.

Effect between unregistered and bona fide registered land.

SECTION 76. No unregistered estate, interest, power, right, claim, contract, or trust, shall prevail against the title of a registered owner taking bona fide for valuable consideration, or of any person bona fide claiming through or under him.

Effect of knowledge of unregistered claim.

SECTION 77. Knowledge of the existence of any unregistered estate, interest, power, right, claim, contract or trust, shall not be evidence of want of bona fides so as to affect the title of any registered owner.

SECTION 78. After the land has been registered, no title thereto adverse, or in derogation of the title of the registered owner, shall be acquired by any length of possession. Nor shall any interest in registered land be acquired except in accordance with the provisions of this act. No land once brought under and made subject to the provisions of this act, shall ever be withdrawn therefrom.

Adverse possession does not lie against; and all land under act must remain and be dealt with thereunder.

SECTION 79. The register of title of any land, and the certificate of title, and duly certified copies thereof, shall, except as herein otherwise provided, be received in all courts as evidence of the facts, therein stated, and, except where attacked for fraud, as in this act provided, as conclusive evidence that the person named therein as owner, is entitled to the land for the estate or interest therein specified.

Register, certificate and copies thereof, evidence, and of what.

SECTION 80. All dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, encumbrances and charges upon the same, subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act, and to such amendments and alterations as may hereafter be made; and whenever a memorial has been entered as permitted by this act, the recorder shall carry the same forward upon the register, and all certificates of title, until the same is cancelled upon the register, as authorized by this act. The bringing of land under this act shall imply an agreement, which shall run with the land, that the same shall be subject to the terms of the act, and all amendments and alterations thereof.

All dealings under this act, and by registering, what agreement implied.

SECTION 81. The decree of the court ordering registration, shall be in the nature of a decree in rem, and shall be final and conclusive as against the right of every and all persons, known and unknown, to assert any estate, interest, claim, lien, or demand, of any nature or kind whatever, against the land so ordered registered, except as provided in this act.

Order of registration in nature of decree in rem, and effect of.

SECTION 82. Any person not having actual notice of the proceedings to register land as provided in this act, may at any time within five years from the date of the entering of the decree of registration, but not thereafter, bring an action in the court where such decree was entered, to establish his right, claim or demand against such land. Provided, however, before such action shall proceed, it must be made to appear to the court that the person bringing such action, or those under whom he claims, had no actual notice thereof in time to appear and file his objections, or assert his claim.

Limitation of five years.

SECTION 83. The action provided for in the last preceding section, shall in no way affect or disturb the rights of any person in said land, acquired subsequent to the registration thereof, bona fide and without knowledge, and for a valuable consideration.

Action not to effect bona fide purchasers.

TRANSFERS.

SECTION

- 84. Form of.
- 85. To be presented to recorder, etc.
- 86. When certificate cancelled by.
- 87. How lesser estate transferred.

SECTION

- 88. All transfers, etc., to be filed, etc.
- 89. How transferee to hold.
- 90. Effect of instrument purporting to deal with registered land.

Form of.

SECTION 84. When any owner of land, registered under this act, desires to transfer his title to the whole or a part thereof, such owner must endorse on, or attach, such transfer to the certificate evidencing the title of such transfer, in the following form:

I, the within named A. B. (if married, say " assisted by my wife, C. D., or husband E. F.") in consideration ofdollars paid, and secured to be paid to me by G. H., do hereby transfer to the said G. H., all of the land described in the within certificate of title. (If part, describe accurately the part transferred.).....

Subject to such liens, mortgages, charges, encumbrances and estates as are noted in the register at this date. And I hereby surrender to said G. H. the within certificate of title No. . . . , and request the county recorder to issue to said G. H. a certificate of title to said land subject to the said liens and charges aforesaid.

Dated this. . . .day of., A. D. 189. .

.....
.....

The state of Ohio, county, ss:

Before me the undersigned, a in and for said county, on the. . . .day of., A. D. 189. . , personally came (A. B.) and (C. D.) husband and wife, personally known to me to be the identical persons named in the within certificate of title, and the persons who signed the above transfer, and acknowledged the signing thereof to be their voluntary act and deed for the uses and purposes therein stated.

Witness my hand and seal this. . . .day of., A. D. 189. .

To be presented to recorder, etc.

SECTION 85. Upon the transferee presenting such transfer to the recorder of the county where the land is situate, the recorder shall file the same and endorse thereon, under his official signature, the exact time of filing, and if the recorder shall find that the transferer is entitled to make the transfer, as provided in this act, the recorder shall register the title, to all or part, as the case may be, in the transferee, upon a new folium in the register, and enter thereon all memorials, notations, and memoranda, to which the land is subject at the time of the transfer, and shall issue, as provided in this act, a new certificate of title to the transferee. Before, however, a transfer can be registered, the transferer or the transferee, must deliver to the recorder the certificate of title of the transferer, and the recorder shall enter upon

the folium of the register where such title of the transferer is registered, and upon the certificate of title, a memorial or memorandum cancelling the same, in whole or in part, as the interest of the transferee may appear from the transfer, with such particulars of the transfer as may be necessary for identification, and shall note upon the register and certificate the date of transfer, the name of the transferee, and volume and folium of the register in which the transferee's title is registered.

SECTION 86. In all cases where the certificate of title, or any other instrument or memorandum affecting registered land, is wholly cancelled, the same shall be retained by the recorder and filed in his office under its proper file number and carefully preserved. In all cases where the land described in a certificate of title is only partially transferred, the recorder shall issue a new certificate of title to said owner, for the part of the land not transferred, and shall endorse on the register, and certificate surrendered, a memorial cancelling the same, and the reasons therefor, giving the volume and folium of the register where the new title is registered and the number of the new certificate.

When certificate cancelled by.

SECTION 87. Whenever a registered owner desires to transfer to another a lesser estate than the fee simple, he may do so by executing to the transferee a deed or instrument of conveyance for such estate, in any form authorized by law, giving the number of his certificate, and other requirements of identification; and upon such transferee presenting such deed or instrument to the recorder of the county where the land is situate, he shall file the same and endorse thereon the exact time of such filing; and if upon examination it shall appear to the said recorder, that the transferer is entitled to make such conveyances as provided under this act, he shall register the same by endorsing upon the folium of the register where such title is registered, and upon the certificate of title, a memorial of such transfer, giving the exact time of transfer, and of filing, name of transferee, nature and kind of estate transferred, and such other memoranda as are noted on said transfer, and shall endorse on the instrument of transfer the volume and folium of the register where registered.

How lesser estate transferred.

SECTION 88. All transfers, leases, mortgages, memoranda, notices or other instruments, intended to transfer or in any manner affect the title, or any interest in, any registered land, or in any way to create or fix a lien of any kind upon the same, shall be filed by the recorder in the order of their receipt by him, and the indorsement made upon any instrument, of the time of filing, shall determine the priority thereof.

All transfers, etc., to be filed, etc.

SECTION 89. Every transferee, mortgagee, lessee and encumbrancee of registered land or part thereof, or any estate or interest therein, shall be held to hold the title subject to the interests an estates, mortgages, encumbrances, and all liens and memorials which have been entered upon

How transferee to hold.

the register of title as provided by this act, prior to such transfer of the land, or mortgage, lease or encumbrance thereof, unless it is expressly otherwise provided in the instrument of transfer, mortgage, lease or encumbrance.

Effect of instrument purporting to deal with registered land.

SECTION 90. A deed, mortgage, lease or other instrument purporting to convey, transfer, mortgage, lease, charge or otherwise deal with registered land, or any estate or interest therein, or charge upon the same other than a will, or a lease for a term not exceeding three years, where the land is in the actual possession of the lessee, or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the recorder to register the transfer, mortgage, lease, charge or other dealing upon compliance with the terms of this act.

TRANSMISSION AND ADMINISTRATION.

SECTION

- 91. At death, land to pass to personal representatives, same as personality
- 92. Personal representative to make application to register.
- 93. Personal representative to register and receive certificate.
- 94. What such certificate shall contain.
- 95. Certificate to relate back to death of owner
- 96. Probate court to have same jurisdiction as over personal estate.

SECTION

- 97. No lands to be sold except as directed by court.
- 98. Proof of heirships to be made.
- 99. As to advancements.
- 100. No registered land to be sold except under order of court.
- 101. Heirs may ask distribution.
- 102. Court may order distribution.
- 103. On final settlement court shall order transfers.
- 104. Party ordered by court to hold, shall be entitled to register and receive certificates.

At death, land to pass to personal representatives, same as personality.

SECTION 91. Whenever any person dies owning land, or any estate or interest therein, in this state, the same shall pass to the personal representatives of the estate of the deceased owner, whether such owner die testate or intestate, and the same shall be administered in like manner as personal property, except as herein otherwise provided, and except that distribution of the same shall be made according to the laws in force covering the descent and distribution of real estate in this state, or as shall be provided by the will of such deceased owner.

Personal representative to make application to register.

SECTION 92. Whenever any person dies seized of the fee simple title to any unregistered land situate in this state, the executor or administrator of the estate of such deceased owner, after being duly qualified, and before dealing with such land, may make application as provided in section four (4) of this act, to have the same registered; and, when such deceased owner was a non-resident of the county, shall file with such application a duly certified copy of the letters of administration, and if there is a will, a certified copy of the will and letters testamentary, with proof to the satisfaction of the probate court, that said will has been duly admitted to probate and record, [and] that no contest was had, or that said will was established, and is in full force and effect. If such application shall be allowed upon hearing, as provided in this act, the recorder upon receiving the order of the court, shall register such lands in the name of such administrator or executor. Should such application fail, such

lands shall be administered as provided by law in respect to unregistered land.

SECTION 93. Whenever any owner of registered land or any estate or interest therein shall die, the personal representatives of such deceased owner, before dealing with such land or estate or interest, shall make application to the probate court of the county where the land is situate, to be registered as owner of such land or estate or interest. If upon hearing the court shall find that the applicant is entitled to be registered as owner, for the purposes of this act, the court shall so order, and indorse the order upon the application. The recorder upon receiving said order, shall note upon the folium, where such deceased owner's title is registered, and also upon the certificate of title of such deceased owner, which shall be surrendered, the date of death, name and address of personal representatives, date of appointment, and by what court appointed, and the names and address of the heirs as stated in the order of the court; number and folium of the register, where the new title is registered, and shall register such land, or estate, in the name of such personal representative, and issue a certificate therefor as provided in this act.

Personal representative to register and receive certificate.

SECTION 94. Whenever land is registered in the name of any person as executor or administrator of the estate of a deceased owner, the register and certificate of title shall state therein, the fact that such person holds the title, as executor or administrator of the estate of such deceased person, naming him, for the purposes of administration and distribution; and in case of a will the recorder shall enter upon such register and certificate of title, memorials of the terms and conditions of the will and shall file a copy of the letters testamentary, and will, duly certified, in his office, and thereupon no dealings shall be had with such land, except upon the order or decree of a court of competent jurisdiction.

What such certificate shall contain.

SECTION 95. In all cases where land, or any estate therein, of the deceased owner, is registered in the name of the personal representative, the title thereto shall relate back and take effect as and from the date of the death of such deceased owner. Executors and administrators in whose names the lands and estates are registered as provided in the preceding sections, shall hold said lands and estates subject to the order of the probate court, and subject to all the duties, requirements and obligations to account for rents and profits and to prevent waste, in the same manner, and subject to the same incidents, as if such real estate were personal estate.

Certificate to relate back to death of owner.

SECTION 96. The probate court in each county in this state shall have the same jurisdiction and powers over the real estate of deceased owners as it now has over their personal estate; and shall give such direction and orders as may be necessary for the proper management, preservation, insurance, sale and other protection respecting the same.

Probate court to have same jurisdiction as [over] personal estate.

No lands to be sold except as directed by court.

SECTION 97. Whenever it is necessary to sell lands or estates, registered in the name of the personal representative, to pay the debts or devises of a deceased owner, such proceedings shall be had and such sale made, as are provided by law in reference to the sale of real estate of deceased owners to pay debts. Upon such sale being made, the personal representative shall in writing make application to the probate court of the county where the lands are situate, for an order that the land so sold be registered in the name of the purchaser; and if the probate court finds such purchaser is entitled to have the said land registered in his name, and a certificate of title issued to him therefor, as provided in this act, he shall confirm the sale and make such order, and deliver the same to the said purchaser, and said purchaser shall forthwith deliver said order to the recorder. The personal representative shall also deliver to the recorder the certificate issued in the name of such personal representative, and also when the sale was ordered by a court, in a county other than the one where the land is situate, the certificate of the judge of the probate court, or the clerk of the court of common pleas, where such proceedings were had, certifying the names of the parties, plaintiffs and defendants, how served, names of all the heirs, widow, or widower, and devisees of the deceased owner, and that all the proceedings and sale were regular and in conformity to law; and thereupon the recorder shall register the land so sold, and issue to the purchaser thereof, a certificate of title thereto, as registered owner. The recorder shall thereupon cancel the certificate so issued to the personal representatives; but if the land so sold was not all of the land described in said certificate so cancelled, the recorder shall issue a new certificate of title to the personal representative, for the balance unsold as provided in this act.

Proof of heirship to be made.

SECTION 98. Before any sale or distribution of registered land can be made, proof of heirship shall be made in the probate court where the proceedings are pending; and before any transfer shall be made upon the register, a certified copy of such proof of heirship, under the seal of the court, must be filed with the recorder, and such certified copy so filed, shall be conclusive proof in favor of all persons thereafter dealing with the land, that the persons therein named are such, and the only heirs of the deceased owner.

As to advancements.

SECTION 99. In the case of advancement, there shall be no distinction between personal and real estate, and the probate court shall have the power and authority to require the heir so receiving the advancement, or his or her descendants, to account for the whole of such advancement, out of his or her portion of the personal estate, or out of his or her portion of the real estate, or out of both, as may appear to the court most just and equitable.

No registered land to be sold, except under order of court.

SECTION 100. No land or estate therein, registered in the name of the executor or administrator of a deceased owner, shall be sold without an order of court. **And no suit**

shall be maintained by any heir or devisee of the deceased owner, or by a person claiming under or through such heir or devisee, to have partition, or distribution, of the real estate of which such owner died seized except as provided in this act.

SECTION 101. At any time before final settlement and distribution of an estate, the executor or administrator, or any heir, devisee or other person interested, may apply to the probate court for an order directing such executor or administrator to distribute the real estate or part thereof, either by sale, partition or otherwise, as the court may find most consistent with the rights of the parties, or as the parties may agree. Such application shall be by petition, setting forth the exact amount of the indebtedness of said estate, and the amount of funds in the hands of the executor or administrator, exclusive of such real estate, applicable to the payment of the same; a description of the real estate, its appraised value, the advancements, if any, amounts, and to whom made, which petition shall be verified as provided by law.

Heirs may ask distribution.

SECTION 102. If the court shall find from the evidence, that the funds in the hands of such executor or administrator, exclusive of such real estate, are sufficient to pay the debts and costs of administration, or that such debts and costs of administration have been secured to be paid, as provided in section 6146 of the Revised Statutes of Ohio, it shall issue an order to such executor or administrator directing him to transfer to the persons named in said order, as tenants in common, in such proportions as therein set forth, such real estate or part thereof; or may order such land to be partitioned and transferred to each person severally, or may order that the same be sold and the proceeds distributed to the persons entitled thereto, as shall appear to be for the best interests of the parties. In case of partition or sale, the same shall be made as provided by the law now in force, or in so far as the same is applicable, in reference to partition of real estate, except the writ shall issue to the executor or administrator, who shall execute the same. The probate court shall have full equity jurisdiction in all matters pertaining to the partition of land under this section, and shall make such orders as may be necessary in each case, to carry the same into effect.

Court may order distribution.

SECTION 103. On final settlement of an estate, the probate court shall order distribution of the real estate, the same as the personal estate, and for that purpose the court shall declare and enforce the rights of the heirs, devisees and other persons, assign dower and homestead, and make sale, partition and distribution, according to the rights of the parties. The probate court shall give direction to the executor or administrator as to the transfer of the land, or any estate therein, to the devisees, heirs or other persons, and may direct the transfers to be made to the devisees or heirs severally, or as tenants in common, or otherwise, as shall

On final settlement court shall order transfers.

appear to the probate court to be convenient, and consistent with the rights of the parties, or as the parties interested may agree.

Party ordered by court to hold, shall be entitled to register and receive certificate.

SECTION 104. Any person holding a transfer as provided in the last two preceding sections, on presenting the same, together with the certified copy of the order directing such transfer, sale or partition, and such other evidence as is required by this act, to the recorder, shall be registered as owner, and a certificate of title shall be issued as hereinbefore provided, and such lands shall be held free of all liens or claims against the estate, of every class and kind.

MORTGAGES, LEASES AND ENCUMBRANCES.

SECTION

- 105. Mortgage, form and notation.
- 106. Recorder to enter memorial of.
- 107. Trust deed a mortgage.
- 108. Mortgagee may transfer.

SECTION

- 109. No assignment takes effect until filed.
- 110. Recorder to file and preserve.
- 111. All charges to be enforced as now allowed by law.

Mortgage, form and notation.

SECTION 105. Whenever any registered land or estate [or interest] therein, is intended to be charged or made security in favor of any mortgagee or mortgagees, the mortgagor shall execute a memorandum of mortgage, in any form recognized by law; and whenever any such land is intended to be charged with, or made security for the payment of an annuity, rent charge, sum of money, or any other charge or lien, in favor of any encumbrance or lienholder, the encumbrancer shall execute a memorandum of encumbrance in any form recognized by law; and whenever any such land is intended to be leased or demised for a life or lives, or any term of years exceeding three, the lessor shall execute a lease in any form recognized by law. Every instrument aforesaid shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered or leased, and shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, and shall give such other description as may be necessary to identify such land.

Recorder to enter memorial of.

SECTION 106. On the filing of such mortgage, encumbrance, lease or other instrument intended to create a charge upon such registered land, in the recorder's office, and the production of the certificate of title, and it appearing to the recorder that the person intending to create the charge set forth in such instrument, had such right, and that the person in whose favor the same is sought to be created, is entitled by the terms of this act to have the same entered as a memorial upon the register, the recorder shall enter upon the proper folium of the register where such title is registered, and also upon the certificate of title, a memorial accurately stating the purport and nature of the charge created, the date of filing the instrument and its file number. The recorder shall also note upon the instrument the vol-

ame and folium of the register where the memorial is entered.

SECTION 107. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage, for all purposes under this act.

Trust deed a mortgage.

SECTION 108. The holder of any mortgage, encumbrance, lease, charge or lien upon registered land, desiring to assign the same or any part thereof, may execute to the transferee an assignment for the whole or any part thereof, by endorsement thereof on the instrument itself properly acknowledged. The assignment of a part only, must state whether the part transferred is to be given priority, be deferred, or rank equally, with the remaining part. Upon such assignment being filed with the recorder, and the production of the instrument held by the assignor, the recorder, being satisfied that the assignment is properly made, shall register the same by entering upon the register where such instrument creating the charge is registered, and upon the instrument itself, a memorial of the amount or part so transferred, date of transfer, name of transferee, how to rank, and file number; on the instrument of assignment he shall endorse the exact time of filing, and the volume and folium of the register where registered.

Mortgagee may transfer.

SECTION 109. No assignment of the security or instrument creating a charge or lease, shall operate as a transfer of such security, instrument or lease, or be notice of such transfer, as against any person dealing with the security, instrument, lease, or land charged, until the same is filed with the recorder.

No assignment takes effect until filed.

SECTION 110. The recorder shall carefully preserve every instrument of assignment as herein required to be filed. The transferee shall be entitled to have a certified copy of the instrument of assignment, with the endorsements thereon made by the recorder. The endorsement required by section 57 shall also be endorsed thereon by the recorder.

Recorder to file and preserve.

SECTION 111. All charges upon registered land, or any estate or interest in the same, may be enforced as now provided by law, except as herein otherwise provided.

All charges to be enforced as now provided by law.

JUDGMENTS AND STATUTORY LIENS.

SECTION

112. No judgment a lien until memorial entered.
113. Same as to all statutory liens.
114. No levy on a lien until noted.

SECTION

115. All transcripts for liens must be noted.
116. Attachment must be noted.
117. Mechanics' liens must be noted.

SECTION 112. No judgment or decree or order of court shall be a lien upon, or affect registered land, or any estate or interest therein, until a certificate under the hand and official seal of the clerk of the court in which the case is entered, or of record, stating the date and purport of the judgment, decree or orders, or other actions taken, giving the number of the case, the full names of the parties, plaintiff

No judgment a lien until memorial entered.

and defendant, and the volume and page of the journal or record in which it is entered, or a certified copy of such judgment, decree, order or action of the court, stating the facts above required, is filed in the office of the recorder, and a memorial of the same is entered by the recorder upon the folium of the register in which the title to the land to be affected is last registered.

Same as to all
statutory liens.

SECTION 113. No statutory or other lien, of whatsoever kind or nature, shall affect the title to registered land, until after a memorial thereof is entered upon the register, except as hereinbefore provided in this act.

No levy on a
lien until noted.

SECTION 114. When any registered land is levied upon, or seized by virtue of any writ of attachment, execution, or other process, it shall be the duty of the officer making such levy, forthwith to file with the recorder, a certificate of the fact of such levy, stating the court from which it was issued, the number of the case, parties to the suit, amount of the claim, the precise date of the attachment, or levy, or other action taken, with a pertinent description of the land, a memorial of which shall forthwith be entered by the recorder upon the register; and no lien shall attach, or be a lien upon any registered land by reason of such attachment, or levy, or other action taken, until the filing of such certificate, and the entry on the register of the memorial thereof, any notice thereof, actual or constructive, to the contrary notwithstanding.

All transcripts
for liens must
be noted.

SECTION 115. Whenever any transcript from the docket of a justice of the peace, or mayor, is filed in the clerk's office for a lien, the party, or his agent or attorney filing the same, is hereby required to notify the clerk as to the fact whether the land upon which the lien is sought is registered. If registered, in addition to the fee now required to be paid, such party shall pay to the clerk his fee for a certificate. The clerk shall thereupon issue to such party a certificate, under his hand as clerk, with the seal of the court attached, which shall state the number of the case, [parties, date of the judgment, and amount of judgment and costs,] and the exact time when filed in his office, and the volume and page where entered. Such party so receiving the said certificate, shall file the same with the recorder, who shall enter a memorial thereof on the register. No lien shall attach to any registered land until said certificate is filed.

Attachment
must be noted.

SECTION 116. Whenever a sheriff or other officer seizes or levies upon any registered land by virtue of an execution, order of attachment or other writ, issued to him from a county other than where the land is situate, such sheriff shall forthwith file with the recorder a duly certified copy of the writ, and his doings thereunder, and the return made by him as such sheriff thereon; which return shall show the exact time when the seizure or levy was made. The sheriff shall [also] indorse on said writ, and as a part of his return, "land seized (levied upon or attached, as the case

may be,) is registered land," and that he filed such copy with the recorder, giving the exact time of filing. Until said writ and return so required to be made is filed with the recorder, the land shall not be bound or any lien obtained thereby. Upon the receipt of said copies of said writ, the recorder shall forthwith file the same and enter a memorial thereof upon the appropriate folium of the register of title, with the exact time of filing.

SECTION 117. Whenever any attested account to obtain a mechanic's lien is filed in the office of the county recorder, whereby a lien is sought to be obtained upon any registered land, it is hereby made the duty of the recorder to forthwith enter a memorial thereof upon the folium of the register where the land is registered, stating the name of the claimant, amount claimed, date and when filed; and also indorse upon the attested account the volume and folium of the register, and the exact time when said memorial was entered.

Mechanics' liens must be noted.

PARTITION AND JUDICIAL SALES.

SECTION

118. In partition, all parties noted on register must be parties.
119. Where land aparted, decree must be filed before certificate issued.
120. When sale ordered, purchaser must file copy of decree.

SECTION

121. When mortgage on undivided share, new certificate, etc.
122. Taken on execution, or order of court, new certificate, etc.

SECTION 118. In proceedings for partition of land registered under this act, proof must be made that all persons shown by the register of title to be interested in the land, have been made parties to such proceeding.

In partition, all parties noted on register must be parties.

SECTION 119. On the confirmation of the report of the commissioners setting off registered lands in proceedings for partition, it shall be the duty of the parties to whom the lands are allotted to cause a certified copy of the judgment or decree to be filed with the recorder. Thereupon the recorder shall transfer the same upon the register and issue certificates of title to the persons entitled thereto.

Where land aparted, decree must be filed before certificate issued.

SECTION 120. Whenever in proceedings for partition of registered land, the court shall order a sale of such land, and the same is sold under such order, the purchaser shall file with the recorder a certified copy of such order and confirmation of sale, together with the certificate of the officer holding the writ that the terms of sale have been complied with. And the recorder shall cause the same to be transferred upon the register, and a certificate of title issued therefor.

When sale ordered, purchaser must file copy of decree.

SECTION 121. When a tenant in common has given any mortgage or granted any other lien or interest upon his undivided interest, and the same is set off in severalty in proceedings for partition, such mortgage, lien or other interest shall attach only to the lands so set off, and the recorder shall note the same upon a new register of title, and

When mortgage on undivided share, new certificate, etc.

new certificate of title, and shall endorse a memorandum of the partition upon the instrument creating such lien, mortgage or other interest before a new certificate of title shall issue therefor.

When sale on judgment, etc., to be entitled to transfer.

SECTION 122. Whenever registered land shall be sold to satisfy any judgment, decree or order of court, the purchaser on producing a certificate of the officer that the terms of sale have been complied with, and a certified copy of the order of sale and confirmation, shall be entitled to have the property transferred to him and his title registered and a new certificate of title issued therefor.

ASSIGNEES, RECEIVERS AND MASTERS.

SECTION

123. Assignees, etc., to file certified copy of order.

SECTION

124. Assignees, etc., must make application to register.

Assignees, etc., to file certified copy of order.

SECTION 123. Before an assignee or trustee for the benefit of creditors, receiver, master commissioner, special master commissioner, or other person appointed by a court, shall deal with or transfer registered land, or any estate or interest therein, he shall file in the recorder's office a certified copy of the order of the court, showing that such assignee, receiver, master commissioner, special master commissioner, or other person, is authorized to deal with or transfer such land, estate or interest, and he shall present to the recorder, the certificate of title of such land; and thereupon the recorder shall enter upon the register and certificate of title, a memorial thereof, with reference to such order, by its file number. In case of a deed of the land in fee simple to the assignee or receiver, or other officer, the recorder shall register the title in the name of such transferee, and issue to him a certificate of title, stating therein the purpose for which the same was issued to him.

Assignees, etc., must make application to register.

SECTION 124. Assignees, or trustees for the benefit of creditors, and commissioners of insolvent debtors, holding title to unregistered land from the assignor, shall make application as provided under this act to bring such land upon the register of title.

DISCHARGES.

SECTION

125. When to be entered.

126. Part of the land may be released when.

SECTION

127. When suit, etc., dismissed, clerk to make certificate, etc.

128. When recorder may release.

When to be entered.

SECTION 125. When any registered mortgage, encumbrance, or charge is satisfied in whole or in part, it shall be the duty of the mortgagee, encumbrancee and assignee, or other person authorized by law to discharge the same, to forthwith file with the recorder a certificate of satisfaction, in whole or in part, as the case may be, executed according to law, and the recorder shall enter such satisfaction upon.

the register. In case of the failure of the mortgagee, or other person, to certify such satisfaction, then the mortgagor, or other person entitled to such discharge, may ask proof of the same before the recorder; notice thereof, either actual or constructive, having been given to the person holding the security, and upon the recorder being satisfied that such mortgage or other charge has been satisfied, as claimed, he shall enter such satisfaction on the register, and endorse the same upon the certificate of title.

SECTION 126. Any part of the land charged, may be released from the operation of the charge, by the execution of a proper release by the person authorized to make the same, under this act; but which shall not take effect until filed with the recorder, and by him entered on the register.

Part of the land may be released, when.

SECTION 127. When any suit, bill or proceeding, has been dismissed or otherwise disposed of, or any judgment, decree or order has been satisfied, released, reversed or modified, or any levy of execution, attachment or other process has been released, discharged or otherwise disposed of, it shall be the duty of the sheriff, or the clerk of the court in which such proceedings were pending or had, as the case may be, forthwith, under his hand, and, if the clerk, under the seal of the court, to certify to and file with the recorder an instrument showing such discharge or release. Upon the same being filed the recorder shall enter a memorial of such discharge on the register, opposite or under the memorial registering such charge. The costs of such certificate and memorial shall be taxed as other costs in the case.

When suit, etc., dismissed, clerk to make certificate, etc.

SECTION 128. When any lien shall cease to be operative in law, by reason of limitation of time, proof of the same may be made, on proper application being filed with the recorder, and the persons shown to be interested notified of such application in the manner provided by this act. If the recorder shall be satisfied that the lien is without force in law, by reason of lapse of time, he shall enter such discharge upon the register, and the same shall be prima facie evidence thereof.

When recorder may release.

CORRECTION OF ERRORS.

SECTION

129. No erasure to be made on register.

130. Where change of name.

SECTION

131. Errors or omissions, how corrected.

132. Appeal to probate court from recorder.

SECTION 129. After a title has been registered and a certificate issued therefor, or after a memorandum, notation or memorial has been made on the register of title and has been attested, no alteration or erasure shall be made therein except in the manner herein provided.

No erasure to be made on register.

SECTION 130. A person whose name has been changed since the issue of the certificate of title, or whose

Where change of name.

name was by mistake wrongly stated in the register and certificate, must, upon satisfying the recorder of the facts, surrender his certificate and take out a new one in his correct or changed name, and a memorandum of such change or correction must be entered. This provision shall apply to every person holding a registered interest in or upon the land; and no transfer or assignment shall be registered until such change or correction is made.

Errors or omissions, how corrected.

SECTION 131. Whenever it appears that there is an error or omission in any certificate or memorandum or memorial, or that any memorandum or memorial has been made, entered and endorsed, or certificate entered or issued by mistake, the recorder may, on his own motion, or upon the application of any person interested, summon all persons registered as interested in the lands to which such certificate, memorandum or memorial relates, to appear at an appointed time, and produce their certificate of [or] registered instruments, and if at the appointed time the recorder shall find such error or omission or mistake to exist, and that no rights of bona fide purchasers or lien holders for value, have intervened whereby his or their estate or interest shall be impaired by the correction of such error, omission or mistake, he shall, if no appeal is taken as provided in the next section, correct such error or mistake, or supply the omission, and may direct the cancellation of any certificate or registered instrument or any memorandum or memorial entered upon the registration book, or endorsed upon the registered instrument or certificate, by mistake.

Appeal to probate court from recorder.

SECTION 132. Any person aggrieved by the finding of the recorder for or against the existence of such error, omission or mistake, may appeal from the decision of the recorder to the court of common pleas or probate court, on giving bond to the acceptance of the recorder as provided by law in other cases for appeal, within ten days from the date of such finding, and the recorder shall make out and deliver to the clerk of the court of common pleas or probate court, immediately a transcript of his proceedings in such matter, and shall make a notation of such appeal upon the register of title. When such appeal is determined, the court shall forthwith cause a certified copy of such judgment or decree to be filed with the recorder, and the judgment of the court shall be final and conclusive.

TRUSTS.

SECTION

133. No entry of trust to be entered.

SECTION

134. Recorder to obtain opinion as to trust, when.

No entry of trust to be entered.

SECTION 133. The recorder shall not make any entry on the register of titles of any notice of trust, whether express, implied or constructive; but trusts may be declared upon registered land, or upon any interest therein, or upon mortgage or other security, by deed or other instru-

ment in writing, fully and clearly defining the trust, conditions and limitations, and names, powers and duties of trustees. Application for registration shall be made to the recorder, the application setting forth the objects, nature, condition and limitations of the trust, the name of the trustee and address, the names of the beneficiaries and address, and such other facts as may be required, and must be accompanied with the instrument creating the trust. If on such application being filed, the recorder shall find that the grantor had the right to make such grant, and the trustee the right to receive it, and the instrument is in conformity to the provisions of this act, he shall register the same in like manner as other instruments, are registered under this act; and shall also enter on the register and certificate of title, memorials of the terms, conditions and limitations of the trust, and also in plain letters the words "in trust," and note the volume and folium where such instrument is recorded; and thereafter no transfer, charge or other dealing, with the land, estate, mortgage or interest, shall be registered, unless the opinion of a court, certified to the recorder, shall be first obtained, that such transfer or dealing is in accordance with the true intent and meaning of the trust. *And in case the court has doubt as to the true intent and meaning of the trust, the court shall order an issue to be made up and tried as provided in section 40.

[* This sentence is as it appears in the original bill and in the enrolled copy of the law on file in the office of the secretary of state. The senate journal and engrossed copy of the bill show that it was amended and should read as follows: "Should any question of fact arise in the administration of a trust, the court may order an issue to be made up and tried as provided in section 40 (forty)."]

SECTION 134. The recorder upon obtaining such opinion from the court, that the proposed transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation, shall proceed to register the same, and such registration shall be conclusive evidence in favor of the person taking such transfer, charge or other instrument, and those claiming under him in good faith, and for a valuable consideration, that such transfer, charge or dealing is in accordance with the true intent and meaning of the trust, condition or limitations.

Recorder to obtain opinion as to trust, when.

LIS - PENDENS.

SECTION

135. No suit or bill to be.

SECTION 135. No suit, action or proceeding, pending in any court, for any purpose whatever, affecting registered land, of [or] any estate or interest therein, or any charge upon the same, shall be deemed to be lis-pendens, or notice to any person dealing with the same, until a certificate of the pendency of such suit, bill or proceeding, under the hand and official seal of the clerk of the court in which it is pending, shall be filed with the recorder, and a memorial thereof by him entered upon the register of the title to be affected. This section shall not apply to attachment, or

No suit or bill to be.

other proceedings, where the officer making the attachment or levy, by the provisions of this act, is required to file a certificate of his doings under the writ in his hands, and shall have so done.

ATTORNEYS IN FACT.

SECTION

136. Instrument creating, must be recorded, etc.

Instrument
creating, must
be recorded, etc.

SECTION 136. Before any person can convey, transfer, charge, or otherwise deal with any registered land, or any estate or interest therein, as an attorney in fact for another, the deed or instrument empowering such person to so act, shall be filed with the recorder and a memorial thereof entered upon the register, which shall give the exact time of the filing; which deed or instrument shall also be entered as a memorial by the recorder upon the certificate of title, and reference to the volume and page of the record where recorded, shall be noted. And such power of attorney may be revoked by revocation in writing, as provided by law, but such revocation shall not take effect, until the same is filed, and noted as a memorial by the recorder on the register of title, and the same shall be entered upon the [record of the] instrument revoked.

What the instru-
ment must con-
tain.

SECTION 137. The deed or instrument constituting a person an attorney in fact, shall state the full name of the party appointing, and that of the person appointed, and the postoffice address of each. Shall give the number of the outstanding certificate of title, and the volume and folium of the register of title; shall contain a description of the land, which shall be [the] same as given in the certificate of title, and shall briefly state the powers conferred upon the attorney in fact, and shall be signed by the person making the same, and duly acknowledged according to law, and shall be recorded in a book kept in the office of the recorder for that purpose.

DOWER AND HOMESTEAD.

SECTION

138. Must be noted.

Must be noted.

SECTION 138. Rights of dower and homestead shall attach to registered land, subject to the limitations contained in this act, but unless it shall be made to appear, on the register of title, that they are so entitled, before any person has acquired an interest in such land in good faith, and for a valuable consideration, it shall not prejudice such person.

EMINENT DOMAIN.

SECTION

139. What required before memorial or certificate can issue.

What required
before memorial
or certificate
can issue

SECTION

140. Title shall pass, when.

SECTION 139. Whenever registered land, or any interest therein, is sought to be taken in the exercise of the right of eminent domain, notice of the proceedings with the

pertinent description of the lands sought to be appropriated, together with the names of the owner, shall be filed with the recorder, and a memorial made on the register of title of the lands sought to be appropriated.

SECTION 140. No title shall pass until a certified copy of the order of appropriation made by the court, setting forth by whom appropriated, from whom, and the amount of land appropriated, with an accurate description and map thereof, and that the damages assessed have been paid or secured to be paid, shall be filed with the recorder under the seal of the court. On filing of such order and map, the recorder shall note on the register of title of the owners whose lands have been appropriated, the amount appropriated, in exact terms, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor.

Title shall pass when.

TAX SALES.

SECTION

141. Certificate to be noted on register.

142. Tax deed only agreement, etc.

SECTION

143. City, town and county assessment to be noted.

SECTION 141. The holder of any certificate of sale of registered land, or any estate or interest therein, for any tax, assessment or imposition, shall forthwith present the same to the recorder, who shall thereupon enter upon the register of the land, a memorial thereof, stating the day of sale, the date of presentation, and shall enter upon the certificate of sale, the date of presentation, and book and folium of the register where the memorial is entered. The holder of such certificate shall, within sixty days from the date of presentation mail to each person, who appears by the register to have an interest in the land, a notice of the registration of such certificate, and shall file proof of the same with the recorder. Unless such certificate is presented and registered, and such notice given as herein provided, within the time above mentioned, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance of such certificate. When it shall appear by the affidavit of the holder of the certificate, filed with the recorder, that the place of residence of any person interested in the land cannot, upon diligent inquiry be ascertained, the requirement of this section as to mailing notices, shall not apply to such person, and such notice shall be given by publication for three consecutive weeks.

Certificate to be noted on register.

SECTION 142. A tax deed of registered land, or an estate or interest therein, issued in pursuance of any sale for a tax, or assessment or other imposition, made after the taking effect of this act, shall have only the effect of an agreement for the transfer of the title upon the register. And before any person dealing with such land, shall be affected by such tax deed, said deed must be filed in the recorder's office, and a memorial of such filing be made by the recorder

Tax deed only agreement, etc.

on the register of land titles. But no registration shall be made, or certificate of title issued thereon, unless the tax deed is filed within sixty days after its date, or in any case, except upon the order of the court, on application filed. The court shall not issue an order for registration in any such case, unless the court shall find that all persons appearing upon the register to be interested in the land, whose places of residence can upon diligent inquiry be ascertained, and the person who appears, by the treasurer's books, to have paid the tax last paid before the sale on which the deed is issued, has had at least six month's notice of the application for such registration and certificate of title, and the terms of this act have been complied with. The notice shall be given, upon persons residing in the county, by personal service, and upon persons living out of the county, by mail, or by publication made for four consecutive weeks. Any person interested in the land may show, as cause why such certificate of title shall not issue, any fact that might be shown at law or in equity on his behalf to set aside such tax deed; and the party named in the tax deed shall be required to show affirmatively, that all of the requirements of the statute to entitle him to a deed have been complied with.

City, town and
county assess-
ments to be
noted.

SECTION 143. When in a city, village, township, or county, an ordinance, resolution or order is passed or made to lay out, establish, alter, widen, grade, regrade, relocate or construct or repair a highway, road, street, sidewalk, drain or sewer, or to make any other public improvement, or to do any work, the whole or a portion of the expense for which assessments may be made upon real estate, if any registered land, or any land included in an application for registration then pending, is affected by the act or proceeding, and liable to such assessment, the clerk of the board, or council, passing such ordinance, resolution or order, shall within five days after the passage of such ordinance, resolution or order, file in the recorder's office, a notice of the passage thereof, and a memorial shall thereupon be noted on the register. Unless said clerk of the board, or council, files said notice, registered lands shall not be liable for such assessments. In case of the repeal of such ordinance, resolution or order, such clerk, shall within five days thereafter, notify the recorder, who shall thereupon cancel such memorial.

ASSURANCE FUND.

SECTION

- 144. How fund raised.
- 145. To be paid to and invested by
county treasurer.
- 146. Who may have benefit of.
- 147. Who to be parties to action.
- 148. Limitation of action against.

SECTION

- 149. When county treasurer may pay
from fund.
- 150. When county treasurer may
bring an action.
- 151. No action against fund beyond
ten years.

How fund
raised.

SECTION 144. Upon the first bringing of land under the operation of this act, as hereinbefore provided, and upon the issuance of a certificate of title pursuant to section (142)

one hundred and forty-two, there shall be paid to the recorder one-tenth of one per cent. of the value of such land as appraised for taxation, for the purpose of an assurance fund under this act. All sums of money so received as provided in this section, shall be paid on the first Monday of each and every month to the county treasurer of his county.

SECTION 145. It shall be the duty of the treasurer to invest and manage said fund, and report annually, on the second Monday of January of each year, the condition and amount and income thereof. All investments of the fund, or any part thereof, shall be made with the approval of the probate court by order entered of record. The said assurance fund shall be invested only in bonds and securities of the United States, or of this state, or of county, township or municipalities of this state; and the county treasurer shall at no time hold of said fund more than \$200 so uninvested.

To be paid to
and invested by
county treasurer.

SECTION 146. Any person deprived of land or of any estates or interest therein in consequence of fraud, or misrepresentation in bringing such land under the operation of this act, having had no notice of the proceedings, or by the registration of any other person as owner of such lands, estate or interest, or in consequence of any error, omission, mistake or misdescription in any certificate of title, or in any entry or memorandum in the register of titles, or by being omitted in proof of heirship or certificate thereof as provided in section (98) ninety-eight of this act may, at any time within four years from the date of the discovery of such fraud, error, omission, mistake, or misdescription, bring an action in any court of competent jurisdiction for the recovery of the damages so by him sustained, against the person or persons committing such fraud, or responsible for such error, omission, mistake, or misdescription in any certificate of title, or in any entry or memorandum on the register of title. In any such action the county treasurer must be made a defendant, and all persons against whom the plaintiff claims the right to pursue for damages must be made defendant to the action. And if this be not done, such persons shall thereby be discharged from liability for damages in the premises.

Who may have
benefit of.

SECTION 147. If such action be for the recovery of loss or damage only through an omission, mistake, or misfeasance of the recorder or any deputy or clerk of the recorder in the performance of their respective duties under the provisions of this act, the recorder alone need be made a defendant with the county treasurer; but if such action be brought for loss or damage arising from the fraud or wrongful act of some person or persons other than the recorder, his deputies or clerks, then such action shall be brought against only the county treasurer, and such person or persons aforesaid. In any such action the defendant or defendants, other than the county treasurer, shall be primarily liable when recovery is had, and final judgment shall not be

Who to be parties
to action.

entered against the county treasurer, until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due on the execution cannot be collected except by a resort to the assurance fund. The court being satisfied of the truth of such return, made upon proper showing, shall order the amount of the execution and costs, or such part as shall remain unpaid, to be paid by the county treasurer out of the assurance fund. It shall be the duty of the prosecuting attorney of the county, or the county solicitor, if there be one, to appear and defend all suits that may affect such assurance fund.

Limitation of
action against

SECTION 148. Nothing in this act contained shall be so construed as to leave subject to action for recovery of damages, as aforesaid, any bona fide purchaser, mortgagee, or other holder of a lien, charge or interest, for a valuable consideration, on land brought under this act, on the plea that his vendor, mortgagor, or person creating such lien, charge or interest, may have been registered as proprietor through fraud, error or omission; or may have derived from or through a person registered as owner through fraud, error or omission.

When county
treasurer may
pay from fund.

SECTION 149. In case the person primarily liable as provided in section 150, and against whom such action for damages is directed to be brought, as aforesaid, shall be dead or cannot be found within this state, then, in such case, it shall be lawful to bring such action for damages against the county treasurer of the county in which the land may be situate, as defendant, for the purpose of recovering the amount of the said damages and costs against the assurance fund. In such case, if final judgment be recovered, the county treasurer, upon the receipt of a certificate of the court, before which said action was tried, shall pay the amount of such damages and costs as may be awarded, and charge the same to the account of the assurance fund. All actions involving the assurance fund, shall be brought in the county where the land is situated.

When county
treasurer may
bring an action.

SECTION 150. Whenever any money has been paid by any county treasurer out of the county assurance fund, as in this act provided, the county treasurer of such county may bring an action and institute proceedings in any court of competent jurisdiction against the person or persons primarily liable for such damages and costs, to reimburse such assurance fund; or should such person or persons be dead, such treasurer may proceed against his or their estates. It shall be his duty to bring such action or institute proceedings in every case where there may be a reasonable probability of reimbursing such assurance fund in whole or in part.

No action
against fund
beyond ten
years

SECTION 151. No action shall be maintained against the treasurer of a county to charge the assurance fund as provided in sections 146 and 147, except the same

be commenced within ten years from the time the cause of action accrued against the person or persons primarily liable.

GENERAL PROVISIONS.

SECTION

152. No estate to pass by mere assignment or delivery.
 153. How notices served.
 154. Recorder may record certain instruments.
 155. All books, etc., county commissioners to furnish.

SECTION

156. Who to prepare blanks, etc.
 157. None other to be used.
 158. Words "heirs and assigns" not necessary to pass a fee.
 159. When person can assert lien.
 160. The claimant shall notify.
 161. Act to be liberally construed.

SECTION 152. Voluntary transfer of a registered estate, shall be made only as by this act prescribed, and by entry on the register of land titles; and no estate, legal or equitable, shall pass by a mere assignment or delivery of a certificate of title, or other instrument.

No estate to pass by mere assignment or delivery.

SECTION 153. Unless otherwise provided in this act, all notices required under this act shall be served in the same manner as required by law for service of summons, or like notices.

How notices served.

SECTION 154. The recorder, upon the written request of the lessee, mortgagee, or encumbrancee, shall record the instrument filed in his office, as a memorial of such claim or lien, in a volume to be known as "records of liens on registered land," and shall note on the volume and folium of the register of land titles, the fact of such record, and the volume and page where so recorded, with the exact time thereof; and shall deliver the said instrument after such record and notations, to the party named as mortgagee, lessee, or encumbrancee, as the case may be, and take his receipt therefor, with his postoffice address, and which he shall file.

Recorder may record certain instruments.

SECTION 155. All books, blanks, papers and all things necessary for the purpose of carrying out the provisions of this act, shall be furnished by the county commissioners, at the expense of the county.

All books, [etc.] county commissioners to furnish.

SECTION 156. The auditor of state, secretary of state and attorney-general, shall prepare a uniform system of books, blanks and forms for the use of the public officers required to perform duties under this act.

Who to prepare blanks, etc.

SECTION 157. The officers aforesaid shall use the books, blanks and forms so prepared as provided in section 156.

None other to be used.

SECTION 158. The words "heirs and assigns" shall not be necessary to create or pass a fee simple estate in registered land.

Words "heirs and assigns" not necessary to pass a fee.

SECTION 159. Any person desiring to assert any claim or lien upon registered land, not shown upon the register, or adverse to the title of any registered owner, when no other provision is by this act made for asserting the same in the recorder's office, may make affidavit thereto, setting

[When person can assert lien.]

forth his interest, right, title, claim, lien, charge or demand, and how and under whom derived, the character and nature thereof. The affidavit shall state his full name, place of residence, and postoffice address, and shall designate the place at which all notices relating thereto may be served upon him. Upon the filing of such affidavit in the office of the recorder, he shall enter forthwith a memorial thereof, upon the register of title, stating the exact time when said affidavit was filed, and the purport and nature thereof.

The claimant
shall notify.

SECTION 160. In all cases provided for in section 159, the claimant shall, within ten days, notify in writing the registered owner, of the filing of such affidavit and claim, and make proof thereof to the satisfaction of the recorder; every claimant failing to serve such notice, and make proof thereof, shall be held to have released said claim, and waived his right to have such claim appear upon the register, and the recorder shall cancel the same.

Act to be liber-
ally construed.

SECTION 161. This act shall be construed liberally for the [purpose of] effecting its general intent.

FEES.

SECTION

162. Fees of officers.

Fees of officers.

SECTION 162. For services rendered under this act, the probate judge, or the clerk of the court of common pleas, as the case may be, shall receive the following fees:

For filing each application, entering the same on the registration docket, and indexing the same....	\$0 06
Filing and entering proof of publication.....	02
Taking affidavit and filing and entering proof of service	10
Filing and entering each objection, pleading or claim	04
Issuing order of reference and entering same.....	25
Issuing order, and entering same, appointing surveyor	25
Filing and entering report of surveyor, and all papers filed therewith	04
Filing and entering report of referee, and all papers connected therewith	04
Examination of report of referee.....	2 00
Filing and entering decree or order of court on report	08
Transcribing same on land registration docket, per hundred words	08
Making certified copy of order or decree and transmitting the same with all papers, to the recorder	50

For all other services they shall receive the same fees as allowed by law for like services.

When a reference is made, the referee shall receive for his services, in no case less than \$5.00, nor in excess of \$50.00, the same to be estimated at one-half of one per centum upon the value of the land appraised for taxation, up to \$10,000.

The recorder shall receive the following fees:

For filing application, papers and decree, ordering registration certified from the court.....	\$0 10
For registering title, issuing certificate, entering memorials and memoranda, as directed by the decree, and indexing the same.....	1 50
For examining and registering each transfer of registered land, including the filing of all papers therewith, entering memorials, issuing new certificate of title and indexing same.....	2 50
For filing, examining and entering a memorial of each mortgage, lease, lien, charge or demand upon registered land, and indexing same.....	25
For cancellation of any memorial or memorandum..	15
For each certificate showing condition of register...	1 50

For filing, recording and indexing any other papers or instruments other than those above provided, for any certified copy of register, or any on file in his office, the same fees as allowed by law for like services.

For issuing subpoenas, serving witnesses, issuing notices, same fees as allowed the probate judge for like services.

For certifying pending suit, judgments, liens, attachments or levies, the officers certifying the same to the recorder shall receive a fee of 25 cents to be paid by party interested, and taxed in the costs of the case.

PENALTIES.

SECTION

163. Fraudulently procuring instrument.
164. Forging instrument.

SECTION

165. Subjects of grand larceny.
166. What perjury.
167. Criminal no bar to civil action.

SECTION 163. Whoever fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of, any certificate of title, or other instrument, or of any entry in the register, or other book kept in the recorder's office, or of any erasure or alteration in any entry in any said book, or in any instrument authorized by this act, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement or affidavit, affecting registered lands, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary not exceeding five years, nor less than one year, and be fined in any sum not exceeding five thousand dollars.

Fraudulently
procuring in-
strument.

SECTION 164. Whoever forges, or procures to be forged, or assists in forging the name, or the seal of the recorder, or the name, signature or handwriting of any officer, in cases where, by the provisions of this act, such officer is expressly or impliedly authorized to affix his signature; or,

Forging instru-
ment.

Fraudulently stamps or procures to be stamped, or assists in stamping, any document with any forged seal, or the seal of the recorder; or,

Forges, or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized to be signed by such person; or,

Uses any document upon which any impression, or part of the impression of any seal of the recorder has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same to be forged, shall be guilty of felony, and on conviction thereof shall be imprisoned in the penitentiary not exceeding ten (10) years, nor less than [one] (1) year, and fined not exceeding five thousand dollars (\$5,000).

Subjects of
grand larceny.

SECTION 165. All books, and all papers, documents and instruments required to be kept by the recorder, and filed and preserved by him in his office, are hereby declared to be the subjects of larceny, and whoever steals any of them, or feloniously takes any of them from the recorder's office, or wilfully in any manner destroys any of them, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not more than seven years, nor less than one [year.]

What perjury.

SECTION 166. Whoever wilfully makes a false oath to an application or transfer, or to any other paper to which an oath is by this act required, shall be guilty of perjury, and on conviction thereof, shall be imprisoned in the penitentiary for not more than six years, nor less than one year.

Criminal no bar
to civil action.

SECTION 167. No proceeding or conviction for any act hereby declared to be a felony, shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity, against the person who has committed such act, or against his or her estate; or against the recorder, or upon his bond.

WHEN ACT TO TAKE EFFECT.

SECTION

168. When act takes effect.

When act takes
effect.

SECTION 168. This act shall take effect and be in force from and after the first day of September, A. D. 1896, but no application for registration of title hereunder shall be filed until the second Monday of January, in the year one thousand, eight hundred and ninety-seven.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

257G

[House Bill No. 464.]

AN ACT

To promote the public health and regulate the sanitary construction of house-drainage and plumbing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person, firm or corporation now, or that may hereafter be engaged in, or working at the business in this state either as master or employing plumber, or as a journeyman plumber shall first secure a license therefor, in accordance with the provisions of this act.

Plumber's license.

SECTION 2. Any person desiring to engage in, or work at, the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall apply to the president of the board of health or other officer having jurisdiction in the locality where he intends to engage in, work at, such business, and shall at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm, or corporation, the examination and licensing of any one member of such firm, or the manager of such corporation, shall satisfy the requirements of this act.

Application for license and examination of applicant; firm or corporation.

SECTION 3. There shall be in every city and each town of five (5) thousand inhabitants, or more, and in each town having a system of water supply or sewerage, a board of examiners consisting of the president of the board of health; and the inspector of buildings of said city or town if any there be and three (3) members, who shall be practical plumbers; (two shall be master plumbers, one shall be a journeyman plumber); the president of the board of health and the inspector of buildings shall be members ex officio of said board and serve without compensation; provided, that in localities where the required number of plumbers can not be secured, such vacancies may be filled by the appointment of reputable physicians. Said members shall be appointed by the board of health, if there be no board of health, then by the health-officer of said city or town, within three (3) months after the passage of this act, for the term of one (1) year, said appointment to date from the first day of August, A. D. 1896, and thereafter annually, and said appointed members of such board shall serve without compensation; provided, that if in any city or town there is no inspector of buildings, said board of health shall appoint a fourth member of said board of examiners, who shall be a practical plumber, and whose term of office shall be the same as is heretofore provided for said three (3) members.

Board of examiners; how constituted; appointment, non-compensation, qualifications and terms of members.

SECTION 4. Said board of examiners shall, within thirty (30) days after the appointment of said members, meet and organize by the selection of a chairman, and then shall designate the time and place for the examination of all applicants desiring to engage in or at the business of plumbing

Organization of board; time, place and scope of examination; issue, validity and renewal of license, and fees therefor.

within their jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house-drainage and plumbing-ventilation, and if satisfied of the competency of the applicant, shall so verify to the board of health. Such board shall thereupon issue a license to such applicant, authorizing him to engage in, or at, the business of plumbing, either as a master or employing plumber, or as a journeyman plumber. The fee for the license for a master or employing plumber, shall be five (\$5) dollars; for a journeyman plumber shall be one (\$1) dollar. Said license shall be valid and have force throughout the state, and shall be renewed annually upon payment of a fee of fifty cents. In case of a removal beyond the jurisdiction of the board issuing the original license, it may be renewed by any board having like authority.

Appointment, qualifications, terms, compensation and duties of inspectors of plumbing.

SECTION 5. The board of health of each city or town mentioned in section three (3) of this act, shall within three months from and after the passage of this act, appoint one or more inspectors of plumbing and such appointment shall be subject to the approval of the council of such city or town (if such appointment has not already been made), who shall be practical plumbers, and shall hold office until removed by such board of health for cause, which must be shown. The compensation of such inspectors shall be determined by the said board of health and be paid from the treasury of their respective cities or towns. Said inspector so appointed shall inspect all plumbing work for which permits are hereafter granted, within their respective jurisdiction, in process of construction, alteration or repair, and shall report to said board of health all violations of any law, ordinance or by-law relating to plumbing work, and also perform such other appropriate duties as may be required by said board,

Rules and regulations for construction, alteration and inspection of plumbing and sewerage, permit for plumbing.

SECTION 6. The board of health of each city and town of five (5) thousand inhabitants or more in this state, and every town having a system of water supply or sewerage, shall within six (6) months from the passage of this act, prescribe rules and regulations for the construction, alteration and inspection of plumbing and sewerage placed in, or in connection with any buildings in such city or town; which shall be approved by ordinance by the council, of such city or town, and the board of health shall further provide, that no plumbing work shall be done except in the case of repairs or leaks, without a permit being first issued therefor, upon such terms and conditions as such board of health of said city or town shall prescribe.

Penalty for violation, revocation of license, appeal.

SECTION 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine not exceeding fifty (\$50) dollars, nor less than five (\$5) dollars for each and every violation thereof. The license of any master or journeyman plumber may at any time be revoked for incompetency, dereliction of duty or other sufficient causes after a full and fair hearing by a

majority of the examining board, but an appeal may be taken from said examining board to the state board of health, and license may be revoked by the examining board provided for in section three (3) of this act.

SECTION 8. All money derived from the examination of applicants shall go to the board of health at the place where the applicant was examined.

Disposition of money derived from examinations.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeals.

SECTION 10. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

177G

[House Bill No. 516.]

AN ACT

To amend an act entitled "An act providing for the dedication of the Licking reservoir as a public park," passed May 21, 1894, vol. 91, Ohio Laws, pages 380, 381, 382 and 383.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "An act providing for the dedication of the Licking reservoir as a public park," passed May 21, 1894, (vol. 91, Ohio Laws, pages 380, 381, 382 and 383), be so amended as to read as follows:

Buckeye lake:

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the body of water known as the Licking reservoir, situated in the counties of Licking, Fairfield and Perry, contained within the metes and bounds of the land owned by the state, be, and the same is hereby dedicated and set apart forever as a public lake, to be known by the name of the Buckeye lake. Provided that in the event of the abandonment, leasing or selling of the southern division of the Ohio canal, all the lands embraced in said reservoir shall be sold by the state except seven hundred (700) acres contained in the original pond.

Licking reservoir dedicated as Buckeye lake.

Sale of lands in certain event.

SEC. 2. The said Buckeye lake shall at all times be open to the public as a resort for recreation and pleasure, including the privilege of angling or fishing, and boating; provided that angling shall not be permitted therein with any device whatever except with rod, line and hook, or line and hook with bait or lure, the rod, line and hook, or line and hook to be held in the hand; provided, nothing in this section shall be construed so as to permit fishing during a close season, as provided by the statute laws of the state; provided further, nothing in this act shall be construed as

Public pleasure resort; angling and boating.

Existing lease.

interfering in any manner with an existing lease of any part of said reservoir or of the lands or any part thereof connected therewith.

Fishing or catching fish with certain devices prohibited; devices defined.

SEC. 3. No person shall fish or catch fish in the waters of said Buckeye lake with any of the devices known as the trot-lines, set-lines, bank-lines, float-lines, or bob-lines, nor with spears, seines, set-nets, gill-nets, or traps, or nets of any kind whatever. The name trot-lines, set-lines, bank-lines, float-lines, or bob-lines mentioned in this section, shall be construed to mean any lines with hooks attached thereto, supported by being fastened to stakes, poles, anchors or floats, either from the bank, boats or stumps, or stakes driven through the water into the ground; nor stumps or logs driven under the water into the ground, stumps or logs; nor any device whatever, except as mentioned in section three [two] of this act.

Destruction, injury or disturbing of property or pets prohibited.

SEC. 4. No person shall destroy, injure or disturb any tree, plant, lawn or other property, or decoration upon any of the islands, within the boundary of said lake, nor kill, injure or disturb any water-fowl, water-animal, birds or game placed within the boundary lines of the lake as semi-domestic pets by donation or purchase.

Penalty.

SEC. 5. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined as provided in section sixty-nine hundred and sixty-eight.

Use of reservoir for canal purposes.

SEC. 6. The dedication and use of said reservoir as a public lake shall in no wise interfere with or affect, and the same shall be subject to, the use of the said reservoir for canal purposes.

Supervision and control of commissioners of fish and game; appointment and compensation of warden.

SEC. 7. That said Licking reservoir, now to be known as the "Buckeye lake," shall be, so far as the protection of fish and game is concerned, under the supervision and control of the commissioners of fish and game, and said commissioners shall appoint a fish and game warden for said Buckeye lake, and such fish and game warden shall be paid a salary not exceeding three hundred dollars per annum, payable quarterly; to be paid from the state funds set apart for the use of said commission.

Repeals.

SECTION 2. That said original act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

178G

[House Bill No. 626.]

AN ACT

To amend sections 1144, 1145, 1146 and 1153 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1144, 1145, 1146 and 1153 of the Revised Statutes be amended so as to read as follows:

SEC. 1144. Upon the presentation of a deed or other instrument of writing for record the recorder shall indorse thereon the date and the precise time of day of its presentation, and also a file number (file numbering to be consecutive and in the exact order in which each instrument of writing is received for record, except chattel mortgages which shall have a separate series of file numbers, and be filed separately, as already provided by law), and until recorded such instruments shall be kept on file in this same numerical order for easy reference, and, if required, shall give to the person presenting the same a receipt therefor, without fee or reward, naming in such receipt the parties to such deed or other instrument, the date thereof, and giving a brief description of the premises; and when such deed or other instrument is recorded, the recorder shall indorse thereon the time when recorded, and the number or letter and page or pages of the book in which the same is recorded.

County recorder::

Indorsement
and filing of
instrument, and
receipt therefor
file numbers.

SEC. 1145. The recorder shall record in a fair and legible handwriting, in the proper record, all such deeds, mortgages, or other instruments of writing required by law to be recorded, and which are presented to him for that purpose, and they shall be recorded in regular succession according to the priority of presentation, as aforesaid, entering the file number at the beginning of such record, and at the foot of the record of each instrument he shall record the date and precise time of day when the same was presented for record.

Recording of in-
struments.

SEC. 1146. If a recorder refuses to receive a deed or other instrument of writing presented to him for record (the legal fee for recording the same being paid or tendered); or refuses to give a receipt therefor, when required; or fails to number consecutively all deeds or other instruments of writing upon receipt thereof, or fails to index a deed or other instrument of writing, by the morning of the day next after the same is filed for record; or, neglects, without good excuse, to record a deed or other instrument of writing within twenty days after the same is received for record; or demands and receives a greater fee for his services than is allowed by law; or knowingly indorses on a deed or other instrument of writing a different date from that on which it was presented for record, or a different date from that on which it was recorded; or refuses to make out and certify a copy of any record in his office, when demanded, (his legal fee therefor being paid or tendered); or purposely destroys,

Misconduct for
which liable to
suit on bond.

defaces, or injures any book, record, or seal belonging to his office, or any deed or other instrument of writing deposited therein for record; or negligently suffers the same to be destroyed, defaced, or injured; or does or omits any other act contrary to the provisions of this chapter, he shall be liable to a suit on his bond, at the instance and for the use of the party injured by such improper conduct.

Alphabetical indexes; file number in lieu of volume and page.

SEC. 1153. The recorder shall make and keep up, at the beginning of each day's business, alphabetical indexes of the names of both parties to all instruments, theretofore received for record by him; except that the volume and page where such instrument shall be recorded may be omitted until such instrument is actually recorded by him; provided the file number of such instrument be entered in lieu thereof (provided, however, that the entering of the file number may be omitted from any index volume now in use where the form is not adapted to entering such file number); and in all cases where there are several grantors or grantees, mortgagors, or mortgagees, or other parties named in any deed, mortgage or power of attorney, or other instrument of writing, recorded in the recorder's office of any county in the state, the recorder shall insert in proper indexes the names of each of said grantors, grantees, mortgagors or mortgagees, and other parties; and in all cases of deeds, mortgages and other instruments of writing, made by any sheriff, master commissioner, marshal, auditor, executor, administrator, trustee or other officer, for the sale, conveyance or incumbrance of any land, tenements or hereditaments, and recorded in the recorder's office of any county, the recorder of the proper county shall insert in such indexes, under their appropriate letters, respectively, first: The name or names of the person or persons whose lands, tenements or hereditaments are sold, conveyed or incumbered by the deed, mortgage or other instrument of writing of any such officer; second, the official designation of such officer by whom such deeds, mortgages or power of attorney, or other instrument of writing are made; and third, the individual name or names of the persons holding such office, or by whom such deeds, mortgages or other instruments of writing are made.

Daily registers of deeds and mortgages.

SEC. 1153a. The county recorder shall keep a daily register of deeds and a daily register of mortgages, in which he shall note in their alphabetical order according to the names of the grantors, respectively, all deeds and mortgages affecting real estate, filed in his office as soon as the same shall have been filed, and shall keep such daily register in his office and open to the inspection of the public during business hours.

SECTION 2. Said original sections 1144, 1145, 1146 and 1153 are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

179G

[House Bill No. 631.]

AN ACT

Appropriating money to defray expenses of the commission appointed by the governor, to locate positions of Ohio regiments on the battlefield of Antietam.

WHEREAS, Congress, by joint resolution, appropriated the sum of ten thousand dollars for the purpose of locating and purchasing advance positions of troops on the battlefield of Antietam; and Preamble.

WHEREAS, Under said resolution a commission was appointed by congress for the purpose of making such locations; and

WHEREAS, Said commission requested the governors of the several states of the union to appoint a commission for the purpose of locating the respective positions of the troops of such states in said battle; and

WHEREAS, Governor McKinley, of Ohio, appointed a commission consisting of veterans belonging to the several regiments from Ohio engaged in the battle of Antietam, for the purpose of locating such positions; and

WHEREAS, On the 11th day of December, 1894, said commission consisting of the following persons: 5th O. V. I., S. Coddington; 7th O. V. I., J. B. Molyneaux, William A. Howe and Gustave Schmidt; 8th O. V. I., O. A. Griswold, Joseph Evans, W. N. Ingersoll, Dr. T. J. West and John Flinn; 11th O. V. I., T. S. Bransby and Alfred Conklin; 23d O. V. I., James S. Botsford, D. H. Kimberly and E. E. Henry; 28th O. V. I., August Hess, Herman Muller and Otto E. Miller; 30th O. V. I., J. B. Allen, F. C. Russell, David Cunningham, J. T. Moore and Ezra McConnell; 66th O. V. I., Elias Kyle and George W. Jones, repaired to the battlefield of Antietam and there located the positions of their respective organizations in said battle; and

WHEREAS, Said commission was composed of old soldiers, a majority of whom could illly afford to pay their expenses on said trip; but as obedient soldiers obeyed the command of their governor in this matter and incurred an expense estimated at \$40.00 each, making a total of \$960, therefore,

Appropriation
for expenses of
Antietam com-
mission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of nine hundred and sixty (\$960) dollars be appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, for the purpose of paying the expenses of such commission.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 21, 1896.

180G

[House Bill No. 639.]

AN ACT

To amend section 2264a of the Revised Statutes of Ohio, enacted as a supplement to section 2264, April 16, 1892, and to amend section 2271, as amended May 21, 1894.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2264a of the Revised Statutes of Ohio, passed April 16, 1892, as a supplement to section 2264, and also section 2271, as amended May 21, 1894, be and they are hereby amended so as to read as follows:

Assessments
which may be
made special in
Cleveland and
other Cuyahoga
county corpora-
tions.

SEC. 2264a. In cases provided for in section 2263 and in cases where an improvement of any kind is made within cities of the second grade of the first class, and in corporations in counties containing a city of the second grade of the first class, of an existing street, alley, avenue, navigable watercourse or other public highway, and whenever any street, alley, avenue, navigable watercourse or other public highway is opened, extended, straightened, widened or improved, the council of such cities or corporations may decline to assess the cost and expenses mentioned in section 2263, or any part thereof, or the cost or expenses of any part thereof of such improvement, except as hereinafter mentioned, on the general tax list, in which event such costs and expenses, or any part thereof, which may not be so assessed on the general tax list, shall be assessed by the council of such cities on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefit which may result from the improvement, or according to the value of the property assessed, or by the foot front of the property bounding or abutting upon the improvement as the council by ordinance, designating the territory to be assessed may, determine before the improvement is made, and in the manner and subject to the restrictions herein contained; and the assessment shall be payable in one or more instalments, and at such times as the council may prescribe; provided that the tax or assessment specially levied or assessed

Instalments.
Limitations.

upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land, as determined by the council in advance of the assessment or at the time of making the same, which valuation shall not exceed a fair market value of such lot or lands after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of said property on which the assessment was made; also, provided that the special assessment for the cost and expense, or any part thereof, assessed on the abutting and such adjacent and contiguous or other benefited lots and lands shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such a depth; also, provided, that nothing in this section contained shall apply to any improvement ordered, commenced or completed prior to the passage of this act.

SEC. 2271. In cities of the first grade of the first class, and in corporations in counties containing a city of the first grade of the first class, the tax or assessment specifically levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment in any one year, more than one-tenth of such value of the property on which the assessment is made; and in cities of the third grade, first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land, as determined by the council in advance of the assessment or at the time of making the same, which valuation shall not exceed a fair market value of such lot or lands after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment in any one year, more than one-tenth of such value, of the property on which the assessment is made; and whenever any street or avenue is opened, extended, straightened or widened, the special assessment for the cost and expense, or any part thereof, shall be assessed only on the lots and lands bounding and abutting on such part of such street or avenue so improved, and shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such depth; and whenever at least one-half in width of any street or avenue has been dedicated to such purpose from

Limitations on special assessments in Cincinnati and other Hamilton county corporations and in Toledo.

the lots and lands lying on one side of the line of such street or avenue, and such street or avenue is widened by taking from the lots and lands on the other side thereof, no part of the cost and expense thus incurred shall be assessed on the lots and lands lying on said first mentioned side, but only upon the other side, and as aforesaid, but said special assessment shall not be in any case in excess of benefits; provided, that in any case in which a street or avenue is opened, extended, straightened or widened, a part of the cost and expense thereof, not in excess of benefits, may be assessed upon the lots and lands bounding and abutting on any such other part, or said "first mentioned side" of such street or avenue, or of any intersecting street or avenue, as the owners of a majority of the feet front thereof have petitioned for such improvement and consented in such petitions to be so assessed; also provided, that nothing in this section contained shall apply to any improvement ordered commenced or completed prior to the passage of this act.

Repeals, etc.

SECTION 2. That original section 2264a, as enacted April 16, 1892, and section 2271, as amended May 21, 1894, be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896. 181G

[House Bill No. 640.]

AN ACT

To repeal an act passed May 16, 1894, entitled "An act supplementary to section 2559 of the Revised Statutes," (91, O. L., 257.)

Cleveland city
hall act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed May 16, 1894, entitled "An act supplementary to section 2559 of the Revised Statutes," (91, O. L., 257), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896. 182G

[House Bill No. 672.]

AN ACT

To enact a supplementary section to section 897 of the Revised Statutes as amended April 24, 1893, with sectional number 897—1.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897—1 be enacted as supplementary to section 897 as follows:

County commissioners:

SEC. 897—1. In all counties which by the federal census of 1890 had or which at any subsequent federal census may have a population of not less than thirty-nine thousand four hundred and thirty (39,430) nor more than thirty-nine thousand five hundred and thirty (39,530) each county commissioner shall from and after the first day of May, 1896, receive a salary of twelve hundred dollars per annum payable in equal monthly instalments out of the county treasury upon the warrant of the county auditor, and in all such counties each county commissioner shall devote his entire time or so much thereof as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary so provided either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise except when necessary to go out of their respective counties on official business pertaining to their office, each commissioner may in addition to such salary, receive his actual expenses, and no more which shall, before being paid be presented in an itemized account, to and approved in writing by the prosecuting attorney and probate judge.

Salary, duties and expenses in Ross county.

SECTION 2. This act shall take effect and be in force from and after the first day of May, 1896.

Taking effect.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 21, 1896.

183G

[House Bill No. 704.]

AN ACT

To amend section 1903 of the Revised Statutes of Ohio, as amended March 30, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1903 of the Revised Statutes of Ohio, as the same was amended March 30, 1886, be so amended as to read as follows:

Cincinnati police force:

SEC. 1908. The board of police commissioners are hereby authorized to create a police relief fund, by assessing upon each member of the force, a sum to be deducted from

Police relief fund.

the monthly pay of each member, not exceeding one dollar (\$1.00) per month; and the sum so fixed and deducted shall be paid into the city treasury to the credit of the police relief fund, and shall be used exclusively to relieve members of the force when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death, or for pensions when honorably retired from the force.

Repeals, etc.

SECTION 2. Said section 1903 as the same was amended March 30, 1886 (83, O. L., page 47), is hereby repealed, and this act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

184G

[House Bill No. 849.]

AN ACT

To further supplement section 897 of the Revised Statutes of Ohio.

County commissioners:

Salary, duties
and expenses in
Guernsey
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897aa be enacted supplementary to section 897 as follows:

SEC. 897aa. Each county commissioner in all the counties having by the federal census of 1890, or any subsequent federal census a population of not less than 28,645 nor more than 28,675 shall receive a salary of nine hundred (\$900) dollars per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the auditor; and each commissioner in such counties shall devote his entire time to the duties of his office if so required, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business; each commissioner may in addition to such salary receive his actual traveling expenses and no more; which before being paid shall be presented in an account and approved in writing by the prosecuting attorney and probate judge.

SECTION 2. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

185G

[House Bill No. 886.]

AN ACT

To amend sections 2, 9 and 11 of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio," passed March 19, 1887 (84, O. L., 127), amended April 16, 1890 (87, O. L., 215), also amended April 18, 1892 (89, O. L., 368).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2, 9 and 11 of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio," passed March 19, 1887 (84, O. L., 127), amended April 16, 1890 (87, O. L., 215), also amended April 18, 1892 (89, O. L., 368), be amended so as to read as follows:

Combined normal and industrial department at Wilberforce University:

SEC. 2. To carry out the purposes of this act, there shall be and hereby is created a board of nine trustees to be known as "the board of trustees of the combined normal and industrial department at Wilberforce university," five shall be appointed by the governor by and with the consent of the senate, and three shall be chosen by the board of trustees of said university. The president of the university shall be ex officio a member of said board. The trustees so to be appointed by the governor, as aforesaid shall be appointed, on or before the first day of May, 1896, and they shall hold their offices respectively as follows: One for one year, two for two years, and two for four years the term of such to begin to run from July first, 1896; said term shall be designated by the governor in his message of appointment to the senate and in the commission issued to said trustees. At the session of the senate next preceding the expiration of the term of any trustee, the governor shall appoint his successor for the term of four years; and every appointment of the governor under this act shall be submitted to the senate for confirmation.

Board of trustees: how constituted; appointments by governor.

SEC. 9. Upon the certificate of the board of trustees of said department that the necessary steps have been taken by the board of trustees of said university to coöperate with the department trustees in carrying out the purposes of this act by granting the use of its buildings, grounds and educational facilities, there shall be paid to the treasurer of said department, semi-annually, one-half of such amounts as may be annually appropriated by the general assembly for the purposes therein named. The treasurer of said department shall give to the state of Ohio a bond to be approved by the attorney-general in the sum of twenty thousand dollars (\$20,000) conditioned that he shall faithfully discharge his duties and account for any money coming into his hands from the state of Ohio.

Payments of state appropriations.

Bond of treasurer.

SEC. 11. Each senator and representative of the general assembly of the state of Ohio may designate one or more youth resident of his district who shall be entitled to

Designation of pupils by members general assembly.

attend the said normal and industrial department free of tuition.

Repeals.

SECTION 2. Sections 2, 9 and 11 of said act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

186G

[House Bill No. 59.]

AN ACT

Making an appropriation for M. C. Miraben, a private in battery G, first regiment, light artillery, Ohio national guard.

Preamble:

WHEREAS, Under the provisions of an act passed April 27, 1893 (O. L., v. 90, p. 344), the sum of one thousand dollars was appropriated for M. C. Miraben, a private in battery G, first regiment, light artillery, Ohio national guard, to reimburse him for injuries sustained, while in the discharge of his duty, by the premature discharge of a cannon; and

WHEREAS, It was provided in said act that the money thus appropriated should be paid at the rate of two hundred dollars per annum, until fully paid; and

WHEREAS, Money heretofore appropriated to pay the last instalment of said sum of one thousand dollars, in the year 1897, is no longer available, the same having lapsed; therefore,

Authority to pay
M. C. Miraben.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized to pay to said M. C. Miraben said sum of two hundred dollars due and payable in 1897, as aforesaid, as provided by said act passed April 27, 1893.

Appropriation
for purpose.

SECTION 2. To carry out the purpose of this act there is hereby appropriated, out of the money in the state treasury not otherwise appropriated, the sum of two hundred dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

187G

[House Bill No. 442.]

AN ACT

To amend and supplement sections 2505a and 2505b of the Revised Statutes of Ohio, as enacted May 1, 1891, and amended April 18, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2505a, as enacted May 1, 1891, and section 2505b, as amended April 18, 1892, of the Revised Statutes of Ohio, be amended, and that section 2505d be enacted as supplementary thereto, as herein set forth:

SEC. 2505a. Any corporation or company organized for street railway purposes may lease or purchase any street railroad or street railroads, or railroad operated as a street railroad, by electric, cable or other rapid transit motive power, or inclined plane railroad or railroads, together with all the property, real, personal and mixed, and all the franchises, rights and privileges respecting the use and operation of such railroad or railroads, situated or existing in whole or in part within this state, constructed and held by any other corporation or company, corporations or companies, the latter being hereby vested with corresponding power to let or sell, upon such terms and conditions as may be agreed upon between the corporations or companies; and any two or more of such corporations or companies may enter into any arrangement for their common benefit consistent with and calculated to promote the objects for which they were created. No such lease or purchase shall be perfected until a meeting of the stockholders of each of the companies has been called for that purpose by the directors thereof, on thirty (30) days' notice to each stockholder, at such time and place, and in such manner as is provided for annual meetings of the companies, and the holders of at least two-thirds of the stock of each company, in person or by proxy at such meeting, or at any properly adjourned meeting, assent thereto. Provided, that any stockholder who refuses to assent to such lease or sale, and signifies the same by notice in writing to the lessee or purchaser within ninety (90) days thereafter, shall be entitled to demand and receive compensation in the manner provided for the compensation of stockholders in sections 3302, 3303 and 3304, of the Revised Statutes; and the said sections are adopted and made to be part of this section. And any such corporation or company may purchase and own all or any part of the capital stock of any such corporation or company in this or adjoining states, whose lines or authorized lines of road intersect or connect, with the route or lines of the corporation or company making such purchases.

SEC. 2505b. Whenever the lines or authorized lines of road of any street railroad corporations or companies meet or intersect, or whenever any such line of any street railroad corporation or company, and that of any inclined

Street railroads:

Power to lease or purchase, to let or sell, to enter into beneficial arrangement, to purchase stock, etc.

Perfection of lease or purchase.

Rights of dissenting stockholder.

Purchase of stock of intersecting or connecting line, etc.

Consolidation.

plane railway or railroad company or corporation or any railroad operated by electricity or other means of rapid transit may be conveniently connected, to be operated to mutual advantage, such corporations or companies, or any two or more of them, are hereby authorized to consolidate themselves into a single corporation; or whenever a line of road of any street railroad company or corporation organized in this state is made, or is in process of construction to the boundary line of the state, or to any point either within or without the state, such corporation or company may consolidate its capital stock with the capital stock of any corporation or company, or corporations or companies in an adjoining state, the line or lines of whose road or roads have been made or are in process of construction to the same point or points, in the same manner and with the same effect as provided for the consolidation of railroad companies in sections 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391 and 3392 of the Revised Statutes, and any and all acts amendatory and supplementary to said sections and each of them; and the said sections, including these so amended and supplemented, are adopted and made a part of this section.

Agreement as to terms and conditions of grants in case of lease, purchase, consolidation, etc.

SEC. 2505*d*. Whenever it is proposed to bring any two or more lines of road within the control or ownership of one corporation or company under and in pursuance of either section 2505*a* and 2505*b*, which roads are held and operated under grants providing different terms and conditions; it shall be competent for the board of administration in any city of the first grade of the first class, and for the council or other legislative body of any other municipal corporation to agree with the corporation or company so acquiring control or ownership, that such terms and conditions shall be and remain unchanged as they are contained in each of the grants under which said several lines of road are operated, on condition that said railroad company or companies shall provide or extend a system for transferring passengers from line to line going in the same general direction, and such other transfers as shall be satisfactory to said board of administration, or council or other legislative body; and provided further, that no fare for children will be charged upon any of said routes in excess of the minimum fare for children over either of such separate routes prior to such consolidation or purchase; and provided further that for a continuous ride in the same general direction over the lines of such consolidated company within any municipal corporation no fare greater than five cents shall be charged; or in lieu of the foregoing, it shall be competent in all such cases for the board of administration in any city of the first grade of the first class, and for the council or other legislative body of any other municipal corporation to extend the time of each of said grants or franchises for such periods as together with the unexpired term of such existing grant or franchises shall not exceed the period of fifty years from and

Fifty-year grant in lieu of foregoing.

after the passage of this act; provided, the company so acquiring control and ownership of said roads will agree to such changes and modifications in the existing terms and conditions of said grants or franchises, including motive power, extensions, changes and revision of routes, and including also the above mentioned rates of fare for children, and transfer system, and such other changes as to rates of fare and transfers as will make the terms and conditions applicable to all said roads or lines satisfactory to said board of administration or legislative body; and provided further, that no increase of fare shall be allowed in any case, and no decrease shall be allowed in any case of car license fees or percentage tax on gross earnings now required to be paid. And provided further that the municipal corporation in which such street railroad is situated shall have the power at the end of twenty years from the passage of this act and every fifteen years thereafter to fix the rates of fare, car license fees, percentage tax on gross earnings, transfers and all other terms and conditions on which such railroad is operated in said city. The said terms shall be fixed by the board of administration if there be such a board, and if there be none then by the common council or legislative body of the municipal corporation and must be approved and confirmed in the manner which at the time may be required for other acts of such municipal corporation. Notice of the time and place when such rates and regulations shall be fixed shall be given by public notice in two daily newspapers of general circulation in such city and the hearing on the same shall be open and public, and the terms there fixed shall be equitable according to the then cost of carrying passengers. Should the parties not agree as to whether said terms are equitable, the same may be submitted to the adjudication of a court of competent jurisdiction in a suit brought by the company to enjoin the municipal corporations from enforcing the terms so fixed.

Municipal
power as to rates
and other terms
and conditions.

SECTION 2. That said act passed May 1, 1891, and said act passed April 18, 1892, whereby said section 2505a and 2505b were enacted and amended, be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

188G

[Senate Bill No. 161.]

AN ACT

To supplement section 2289b of the Revised Statutes.

Assessments:

Effect of omission "by the front foot" on enjoinder of collection in case of other evidence, etc.

Right of plaintiff to show injury; judgment in proceeding.

Levy of assessment or re-assessment in case of omission, but other notice, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2289b of the Revised Statutes be and the same is hereby supplemented with sectional numbering as follows:

SEC. 2289c. The collection of any assessment heretofore levied or ordered to be levied to pay a legally proportionate share of the cost of improving any street, alley or other public highway by paving or otherwise, shall not be perpetually enjoined or declared void in consequence of the omission, from the ordinance to improve[ment], of the words "by the foot front," when said ordinance to improve is otherwise sufficient, and provides in substance that the costs and expense of said improvement, less the amount now required by law to be levied upon the general tax duplicate shall be assessed upon the property bounding and abutting upon the improvement, if the court shall be satisfied by evidence that said property owners sought to be charged with said assessment were informed of the intended rule of assessment by means of a notice served upon them by authority of the clerk of the municipality to charge them by the foot front for the cost of said improvement, upon the passage of the resolution declaring the necessity of such improvement, and that said property owners so notified stood by, allowed said improvement to proceed without objection made to council, as to that rule of assessment, and that their said property is benefited by said improvement. But the court in which any proceeding is now pending to enjoin the collection of any such assessment to pay for such improvement of any street, alley or other public highway, or the court in which such proceeding may hereafter be brought, shall allow the property owner bringing such proceeding as plaintiff to show wherein he has been injured, if at all, by reason of such omission from such ordinance, and if no injury was done to such plaintiff thereby, the said court shall permit and order said assessment to stand against said property as levied. Or if injury to such plaintiff is shown, nevertheless, upon satisfactory proof that expense has been incurred by the municipal corporation which is a proper charge against the owner of the abutting property or lot or parcel of land in question, the court shall render judgment for the amount properly chargeable against such owner or on such lot or land, but in all cases the court shall make such order for the payment of the costs as may be deemed equitable and proper.

SEC. 2289d. Whenever any ordinance for the improvement of any street, alley or other public highway by paving or otherwise has been heretofore passed by the council or other public authorities of any municipal corporation and the proceedings are irregular by reason of the fact

that said ordinance omitted to state that the assessment to pay the costs and expenses of said improvement was to be by the foot front, but in fact said property owners were informed in a written notice served upon said property owners by authority of the clerk of such corporation upon the passage of the preliminary resolution that said assessment was to be by the foot front, and no objection was made to council as to that rule of assessment before the improvement was made, the council or other board having authority to levy assessments to pay for such improvement may levy an assessment or reassessment for the cost of such improvement, and the court in any proceeding to collect or contest such assessment or reassessment shall render judgment for the amount properly chargeable against the owner of the lot or land, and in such case the court may make such order for the payment of the costs as may be deemed equitable and proper.

Judgment in
proceeding to
collect or con-
test

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 22, 1896.

189G

[Senate Bill No. 180.]

AN ACT

To amend section 1652 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1652 be so amended as to read as follows:

General powers
of trustees of
hamlets:

SEC. 1652. No ordinance providing for the opening or widening of any road, street or alley, or the appropriation of land therefor, and no ordinance providing for any improvement, the cost of which, or any part thereof, shall be specially assessed upon any lands in the hamlet, shall be passed except upon the petition of two-thirds of the owners of lots or lands through or along which the road, street, alley, sewer or other improvement, or part thereof, to be opened, widened, improved or lighted, shall pass; provided, however, that in counties containing a city of the first grade of the first class, or a city of the second grade of the first class, all the provisions of chapter four, division seven, of this title, affecting or relating to villages, shall apply to and affect hamlets situated therein, and wherever the word "council" occurs in said chapter, the same shall be held to apply to and include the trustees of the hamlet.

Limitation on
such powers.

Hamilton and
Cuyahoga
county hamlets.

Repeals, etc.

SECTION 2. That said original section 1652, as amended May 21, 1894, be and the same is hereby repealed, and this act shall take effect from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1896.

190G

[Senate Bill No. 249.]

AN ACT

To provide for supplying the schools of Ohio with good and sufficient school books at the lowest possible prices.

Filing and preservation of copies and prices of school books.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any publisher or publishers of school-books in the United States desiring to offer school-books for use by pupils in the common schools of Ohio as hereinafter provided, shall, before such books may be lawfully adopted and purchased by any school-board in this state, file in the office of the state commissioner of common schools, a copy of each book proposed to be so offered, together with the published list wholesale price thereof, and no revised edition of any such book shall be used in the common schools until a copy of such revised edition shall have been filed in the office of the said commissioner together with the published list wholesale price thereof. The said commissioner shall carefully preserve in his office all such copies of books and the prices thereof so filed.

Fixing of maximum price and notification of publisher.

SECTION 2. Whenever and so often as any book and the price thereof shall be so filed in the commissioner's office as provided in section 1, a commission consisting of the governor, the secretary of state and the state commissioner of common schools [he] shall immediately fix the maximum price at which such books may be sold to or purchased by boards of education as hereinafter provided, which maximum price so fixed on any book shall not exceed seventy-five per cent. of the published list wholesale price thereof, and the state commissioner of common schools shall immediately notify the publisher of such book so filed, of the maximum price so fixed. If the publisher so notified, shall notify the commissioner in writing that he accepts the price so fixed, and shall agree in writing to furnish such book during a period of five years at the price so fixed, such written acceptance and agreement shall entitle said publisher to offer said book so filed for sale to said board of education for use by the pupil under the terms of this act.

Agreement with publisher, and its effect.

Notices to boards of education.

SECTION 3. The said commissioner shall during the first half of the month of June, 1896, and during the first half of the month of June in each year thereafter, furnish

to each board of education the names and addresses of all publishers who shall have during the year ending on the first day of said month of June in each year, agreed in writing to furnish their publications upon the terms provided in this act. And it shall not be lawful for any board of education to adopt or cause to be used in the common schools any book whose publisher shall not have complied, as to said book, with the provisions of this act.

Legality dependent upon compliance.

SECTION 4. If any publisher who shall have agreed in writing to furnish books as provided in this act, shall fail or refuse to furnish such books adopted as herein provided to any board of education or its authorized agent upon the terms as herein provided, it shall be the duty of said board at once to notify the said commission of such failure or refusal, and the commission shall at once cause an investigation of such charge to be made, and if the same is found to be true the commission shall at once notify said publisher and each board of education in the state that said book shall not hereafter be adopted and purchased by boards of education; and said publisher shall forfeit and pay to the state of Ohio five hundred dollars for each failure, to be recovered in the name of the state, in an action to be brought by the attorney-general, in the court of common pleas of Franklin county, or in any other proper court or in any other place where service can be made, and the amount, when collected, shall be paid into the state treasury to the credit of the common school fund of the state.

Procedure upon violation of agreement by publisher; penalty; recovery and disposition.

SECTION 5. Each board of education on receiving the statements, above mentioned, from said commissioner, shall on the third Monday in August thereafter meet, and at such meeting, or at any adjourned meeting within two weeks after said Monday, determine by a majority vote of all members elected the studies to be pursued and which of said text-books so filed shall be used in the schools under its control, but no text-books so adopted shall be changed, nor any part thereof altered or revised, nor shall any other text-book be substituted therefor for five years after the date of the selection and adoption thereof without the consent of three-fourths of all the members elected, given at a regular meeting; and each board of education shall cause it to be ascertained, and at regular meetings in April and August shall determine which, and the number of each of said books the schools under its charge shall require, until the next regular meetings in April and August, and shall cause an order to be drawn for the amount in favor of the clerk of the board of education, payable out of the contingent fund; and said clerk shall at once order said books so agreed upon by the board, of the publisher, and the publisher, on the receipt of such order, shall ship such books to said clerk without delay, and the clerk shall forthwith examine such books, and, if found right and in accordance with said order, remit the

Determination of studies and text-books; change, etc., of latter.

Determination of books required, and purchase, shipment, examination, etc., of same; remittance to publisher, charges for transportation.

amount to said publisher, and the board of education shall pay all charges for the transportation of such books, out of the school contingent fund; but if said boards of education can, at any time, secure of the publishers books at a price less than said maximum price, it shall be its duty so to do, and may without unnecessary delay, make effort to secure such lower price before adopting any particular text-book.

Price less than maximum.

Sale to pupils. Each board of education shall have power to, and shall make all necessary provisions and arrangements to place the books so purchased within easy reach of and accessible to all the pupils in their district, and for that purpose may make such contracts, and take such security as they may deem necessary, for the custody, care and sale of such books and accounting for the proceeds; but not to exceed ten per cent. of the cost price shall be paid therefor, and said books shall be sold to the pupils of school age in the district, at the price paid the publisher, and not to exceed ten per cent. therefor added, and the proceeds of such sale shall be paid into the contingent fund of such district, and whoever receives said books from the board of education for sale as aforesaid to the pupils, and fails to account honestly and fully for the same, or for the proceeds to the board of education when required, shall be guilty of embezzlement and punished accordingly. Provided, however, boards of education may contract with local retail dealers to furnish said books at prices above specified, the said board being still responsible to the publishers for all books purchased by the said board of education. And when pupils remove from any district, and have text-books of the kind adopted in such district, and not being of the kind adopted in the district to which they remove, and wish to dispose of the same, the board of the district from which they remove, when requested, shall purchase the same at the fair value thereof, and resell the same as other books; and nothing in this act shall prevent the board of education from furnishing free books to pupils as provided by law. That for the purpose of carrying into effect the foregoing provisions of this act, and paying the expenses incident thereto, there be and is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of five hundred dollars, to be disbursed and paid on the allowance and order of said commissioner.

Embezzlement.

Contracts with local dealers.

Purchase from pupils and resale.

Free books.

Appropriation to effect act and pay expenses.

Taking effect.

SECTION 6. This act shall take effect and be in force on and after May 5, 1896.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

191G

[Senate Bill No. 262.]

AN ACT

To authorize the board of trustees of the Ohio university to issue certificates of indebtedness for certain purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Ohio university, for the purpose of providing for the speedy erection of needed buildings and improvements, and the securing of needed equipment, and for the payment of the costs, expenses and estimates therefor, as the work progresses, is hereby authorized to issue from time to time certificates of indebtedness to an amount not exceeding in the aggregate sixty thousand dollars in anticipation of the annual levies authorized by section 3951 of the Revised Statutes of Ohio as amended March 20, 1891 (O. L. 88, p. 159), and as further amended March, 1896, provided that the whole amount of said certificates of indebtedness shall be paid by said board of trustees out of the proceeds of such levies on or before December 31, 1903; and provided further that not less than ten thousand dollars annually of such levy shall be set apart for the redemption of the certificates herein authorized.

Ohio university certificates of indebtedness; purpose and amount of issue; redemption.

SECTION 2. The certificates of indebtedness herein authorized shall be signed by the president and secretary of said board of trustees and sealed with the seal of said university, shall bear such rate of interest not exceeding six per cent. per annum payable semi-annually, as said board of trustees may determine, and shall be payable by said board of trustees out of the revenues in anticipation of which they shall be issued as herein provided, and the moneys arising from the issue of such certificates shall be applied exclusively to the purposes for which such certificates shall be issued. Said certificates of indebtedness shall be sold by said board of trustees at not less than their par value to the highest bidder, after notice of the sale shall be given in several newspapers of general circulation in this state, of opposite politics, or may be issued to contractors for said buildings and improvements in payment of estimates for work and materials done or furnished by them.

Attestation; interest; how payable; application of proceeds; sale or other disposition.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

192G

[Senate Bill No. 286.]

AN ACT

To supplement section 2270 of an act as amended May 21, 1894.

Assessments: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Appraisement of lots and lands for purpose of assessment in Lorain

SEC. 2270*f*. That in any city whose population has doubled during the present decennial period or may double during any subsequent decennial period, the council, on being petitioned by the owners of two-thirds of feet front of all lots or land abutting on any street or public way, to have said lots or land appraised for the purpose of levying a tax to pave, macadamize or curb such street or public way, shall be authorized to appoint three disinterested freeholders to appraise the value of such lots and lands, who after being sworn, upon actual view of the premises, shall appraise the true value thereof in money, including all permanent improvements. The council may correct all inequalities or errors in said appraisement; when the council shall have confirmed such appraisement it shall be the value to be assessed for the purpose of paving, macadamizing and curbing instead of "the value of the property as assessed for taxation" as provided for in section 2270; but in all other respects the assessment shall be in conformity to the provisions of said section 2270.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 22, 1896.

193G

[Senate Bill No. 308.]

AN ACT

To amend section 2704 of the Revised Statutes.

Power to borrow money, etc.: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2704 of the Revised Statutes of Ohio as amended May 1, 1894, vol. 91, page 191, be so amended as to read as follows:

Borrowing money in anticipation of special assessment.

SEC. 2704. The council of any municipal corporation shall also have power to borrow money at a rate of interest not exceeding seven per centum per annum, in anticipation of the collection of any special assessment, and to issue the bonds of the corporation therefor, in the manner and form

herein provided. Provided, however, that in a city of the second grade of the first class the aggregate debt for all purposes whatsoever shall not, after deducting the amount of the water debt and the par value of the sinking funds, exceed seven per cent. of the assessed value of all property returned for taxation within such city as shown by the county auditor's tax list; and any attempt or act by any board or officer to borrow money or issue bonds or notes or other evidence of indebtedness for the above or any other purpose, when said issue would cause said debt to exceed said seven per cent., shall be null and void, and of no effect; provided further, that nothing herein, or in section 2701 contained, shall be so construed as to prevent such temporary increase of indebtedness as may be incident to extending the time of payment of maturing indebtedness. Cleveland.

SECTION 2. That original section 2704, and as amended May 1, 1894, be repealed, and this act shall take effect from and after its passage. Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 22, 1896.

194G

[Senate Bill No. 334.]

AN ACT

To amend section 6925 as amended April 28, 1890 (O. L., vol. 87, p. 351).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6925 (as amended April 28, 1890 (O. L., vol. 87, p. 351.)) be amended so as to read as follows: Offenses against public health:

SEC. 6925. Whoever intentionally throws or deposits, or permits to be thrown or deposited, any coal dirt, coal slack, coal screenings, or coal refuse from coal mines, or any refuse or filth from any coal oil refinery or gas works, or any whey or filthy drainage from a cheese factory, upon or into any of the rivers, lakes, ponds, or streams of this state or upon or into any place from which the same will wash into any such river, lake, pond, or stream; or whoever shall, by himself, agent or employe, cause, suffer or permit any petroleum or crude oil, or refined oil, or any compound, or mixture, or other product of such well, except fresh or salt water, or residuum of oil, or filth, from any oil well, or oil tank, or oil vat, or place of deposit of crude or refined oil, to run into, or be poured, or emptied, or thrown into any river, or ditch, or drain, or watercourse, or into any place from which said petroleum, or crude oil, or residuum, or refined oil or filth may run or wash, or does run or wash into Penalty for throwing, emptying, etc., certain refuse, oil or filth into lakes, streams or drains.

Fine and costs
a lien; execu-
tion.

any such river, or ditch, or drain, or watercourse, upon indictment and conviction in the county, in which such coal mines, coal oil refinery, gas works, cheese factory, oil well, oil tank, oil vat, or place of deposit of crude or refined oil are situated, shall be fined in any sum not more than one thousand dollars nor less than fifty dollars; and such fine and costs of prosecution shall be and remain a lien on said oil, well, oil tank, oil refinery, oil vat and place of deposit, and the contents of said oil well, oil tank, oil refinery, oil vat or place of deposit, until said fine and costs are paid; and said oil well, oil tank, oil refinery, oil vat or place of deposit, and the contents thereof, may be sold for the payment of such fine and costs, upon execution duly issued for that purpose.

Repeals.

SECTION 2. Said section 6925, as amended April 28, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

195G

[Senate Bill No. 350.]

AN ACT

To amend section 1235 of the Revised Statutes and repeal section 7379 of the Revised Statutes.

Sheriff:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1235 of the Revised Statutes be so amended as to read as follows:

Allowance for
keeping and
feeding prison-
ers; idiot or
lunatic; prison-
ers for debt.

SEC. 1235. The sheriff shall be allowed by the county commissioners not less than forty-five (45c) nor more than seventy-five (75c) cents per day, for keeping and feeding prisoners in jail but in any county in which there is no infirmary, the county commissioners may if they think the same just and necessary, allow any sum not exceeding seventy-five cents per day, for keeping any idiot or lunatic, and the sheriff shall furnish at the expense of the county, to all prisoners confined in jail for debt only, fuel, bed, clothing, washing, and nursing when required, and such other necessities as the court in its rules shall designate.

Repeals.

SECTION 2. That section 1235 of the Revised Statutes be and the same is hereby repealed.

Repeals.

SECTION 3. That section 7379 of the Revised Statutes of Ohio, be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1896.

196G

[Senate Bill No. 358.]

AN ACT

Making appropriations for the Ohio university, the Miami university, and for the normal and industrial department of the Wilberforce university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university and the normal and industrial department of the Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1896, and the first quarter of the fiscal year ending February 15, 1897, the following sums, to wit:

Appropriations
for Ohio, Miami
and Wilberforce
universities.

For the Ohio university the sum of \$33,000.

For the Miami university the sum of \$24,000.

For the normal and industrial department of the Wilberforce university the sum of \$19,000.

And for the last three quarters of the fiscal year ending November 15, 1897, and the first quarter of the fiscal year ending February 15, 1898, the following sums, to wit:

For the Ohio university the sum of \$33,000.

For the Miami university, the sum of \$24,000.

For the normal and industrial department of the Wilberforce university the sum of \$19,000—or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the said universities, in accordance with the provisions of section 3951, Revised Statutes, as amended March 20, 1891 (O. L. vol. 88, p. 159), and as further amended February 26, 1896, and April—1896.

SECTION 2. This act shall take effect and be in force on its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1896.

197G

[Senate Bill No. 373.]

AN ACT

Making an appropriation of the money collected from the railroad companies for the use of the department of railroads and telegraphs.

Appropriation
for department
of commissioner
of railroads and
telegraphs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated for the uses and purposes of the department of the commissioner of railroads and telegraphs, fifteen thousand dollars, or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 17, 1894; and from the money herein appropriated the following salaries shall be paid:

Salary of commissioner, \$3,000.

Salary of chief clerk, \$2,000.

Salary of inspectors, \$1,200.

Salary of statistician, \$1,200.

Salary of recording clerks, \$1,200.

Salary of one clerk, \$1,200.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

198G

[House Bill No. 489.]

AN ACT

To amend section 2 of an act passed May 12, 1886 (83 v., 143), entitled "An act to authorize the construction of lines for conducting electricity for light and power purposes and the contracting by municipalities for lighting streets and other public places with electricity."

Electric light
and power com-
panies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act passed May 12, 1886, entitle "An act to authorize the construction of lines for conducting electricity for light and power purposes and the contracting by municipalities for lighting streets and other public places with electricity," be amended so as to read as follows:

Contracts with
municipalities.

SEC. 2. The municipal authorities of any city, village or town, in which any electric light company is organized, may contract with any such company for lighting the streets, alleys, lands, lanes, squares and public places in such city, vil-

lage or town, for any period not exceeding ten years; and the provisions of section 2702 and section 2699 of the Revised Statutes shall not apply to such contract.

Provisions inapplicable.

SEC. 3. That in all cases where contracts such as are provided for in section 2 of this act have been entered into prior to its passage and there may have been any omission or error arising out of a want of conformity to the statutes of this state but which contracts have been made as required by this act and where it is just and equitable by reason of the expenditure of money or labor in the performance of said contracts or on any other account to fully execute said contracts, then and in all such cases the courts of this state are hereby authorized and empowered to uphold such contracts as valid and binding on all parties to the same and to enforce and carry them into effect in all respects as though no such defect, omission or error existed, any law of this state to the contrary notwithstanding.

Validity of prior contracts.

SECTION 2. Section two of the above entitled act is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1896.

199G

[Senate Bill No. 299.]

AN ACT

To amend sections 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352 and 353 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352 and 353 of the Revised Statutes be amended so as to read as follows:

State Librarian:

SEC. 342. The governor with the advice and consent of the senate shall appoint three persons, residents of the state, who shall constitute a board of library commissioners. One member of said board shall be appointed for two years, one for four years and one for six years; and thereafter the term of office shall be six years. All vacancies on said board to be filled by the governor by and with the advice and consent of the senate. The members of the board shall receive no compensation for their services.

Board of library commissioners: appointment and term of members; vacancies; non-compensation.

SEC. 343. The board may expend a sum not exceeding one thousand dollars annually, for clerical assistance and incidental and necessary expenses, including traveling expenses in the discharge of its duties; and all sums expended under the provisions of this act shall be paid by the state

Annual expenses of board; payments.

treasurer on the warrant of the auditor of state, after the bills therefor have been approved by the board.

Management of library; appointment and removal of librarian and assistants; rules.

SEC. 344. The board of library commissioners shall have the management of the state library, appoint and remove the librarian with the consent of the governor, and said library commissioners with the consent of the librarian shall appoint the assistants in the library during their pleasure. Make such rules for the government of the library and the use of the books and other property of the library as they deem necessary.

Bonds of librarian and assistants.

SEC. 345. The librarian shall give bond to the state in the sum of ten thousand dollars, with sureties approved by the board of library commissioners, for the faithful discharge of his duties and the delivery over to his successor of all the property of the state in his possession. The assistants in the library shall be required to give bond to the state in the sum of one thousand dollars. These bonds shall be deposited with the treasurer of state.

Secretary of board.

SEC. 346. The librarian shall be secretary of the board of library commissioners and shall perform all the duties belonging to that position.

Duties of librarian as custodian.

SEC. 347. The librarian shall have charge of the state library, giving his personal attention and attendance to it and carrying out and enforcing the rules and regulations made therefor by the general assembly and the board of library commissioners.

Advice as to organization and maintenance of free public library.

SEC. 348. The librarian or trustees of any free public library, may ask said board of library commissioners for advice as to all matters pertaining to the organization, maintenance or administration of the library; and the board shall give such advice and personal attention as it shall find practicable.

Delivery of documents to board; style of binding.

SEC. 349. The supervisor of public printing shall deliver to the board of library commissioners, as many copies of each report and other documents, as may be provided by law. These copies are to be bound in the best style of binding, that may be ordered by the state in each case.

Exchange of publications; statutes.

SEC. 350. The board of library commissioners shall arrange for the exchange of the Ohio publications with as many of the states as possible, with the general government; and with other governments; with societies and others as they see fit, placing all exchanges received in the state library, except that all statutes received, not already in the law library, are to be transferred to the law library.

Distribution of state publications.

SEC. 351. The board of library commissioners may send to any university, college, public library society or individual copies of state publications, at their discretion.

Expenditures of appropriations.

SEC. 352. The board of library commissioners shall superintend and direct all expenditures of appropriations made for the library.

SEC. 353. The board of library commissioners shall annually make a report to the governor of all receipts and expenditures and of the condition of the library, and all other matters in relation thereto, that they deem expedient for the information of the general assembly; and their report shall be transmitted, by the governor, to the general assembly.

Annual report
of board.

SECTION 2. That said original sections 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352 and 353 of the Revised Statutes be and the same are hereby repealed and this act shall take effect on its passage.

Repeals, etc.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 22, 1896.

200G

[Senate Bill No. 133.]

AN ACT

To repeal an act passed May 21, 1894 (91 O. L., 395), entitled "An act to authorize certain suits against the state on behalf of J. W. and F. M. Stoker, Chester Birt and William Thomas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize certain suits against the state on behalf of J. W. and F. M. Stoker, Chester Birt and William Thomas," passed May 21, 1894 (91 O. L., 395), be and the same is hereby repealed and this repeal shall apply to all pending actions, prosecutions or proceedings.

Repeals

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 22, 1896.

201G

[House Bill No. 967.]

AN ACT

To authorize the governor to make a conveyance of certain canal lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and he is hereby empowered to make a conveyance to the Pittsburgh, Cincinnati, Chicago and St. Louis railway company, its successors and assigns, of the following lands, to wit:

Conveyance of
certain canal
lands.

First: Situated in the city of Cincinnati, county of Hamilton, and state of Ohio, and being all that part of what was formerly the Miami and Erie canal, including the width thereof, lying between Pearl street and the Ohio river, also a certain lot used in connection therewith, fronting on Lock street about ninety feet and running back about ninety-four feet parallel with Front street to the said canal, subject, however, to the easement in said premises of the city of Cincinnati for sewerage purposes and also of the right of the state to maintain or have maintained the existing raceway and water-powers or privileges and to receive the revenues therefrom expressly reserved by the state under the act of March 24, 1863 (60 Ohio Laws, 44); the entire appraised value of said premises being fifty-seven thousand dollars.

Second: Situated in the city of Hamilton, county of Butler, and state of Ohio, and being all that part of Hamilton basin so called as is described in a certain lease made by the state of Ohio to the said railway company, dated the sixth day of February, 1896; the entire appraised value thereof being thirty thousand dollars.

Conditions.

The said conveyance to be made upon condition that the said railway company pay into the state treasury the sum of eighty-seven thousand dollars, twelve thousand dollars of which shall be paid into the canal fund, and the balance into the general revenue fund, and consent to a modification of a lease between the state of Ohio and the Pittsburgh, Cincinnati, Chicago and St. Louis railway company, dated October 24, 1895, as to that part of Eggleston avenue north of Pearl street so that the said lease shall include only so much of the roadway as is now occupied by the railroad tracks and such additional tracks as the city of Cincinnati may authorize. Upon compliance with the conditions aforesaid and the delivery of the conveyance herein authorized the rental to be paid under the said lease of the 24th day of October, 1895, shall be reduced to six per cent. upon the valuation of the residue of the property herein leased, to wit: One hundred thousand dollars (\$100,000), and the rental to be paid under the said lease of the sixth day of February, 1896, shall cease.

Rentals under former leases.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 24, 1896.

202G

[House Bill No. 838.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897 of the Revised Statutes of Ohio be further supplemented as follows:

County commis-
sioners:

SEC. 897—2. Each county commissioner in all counties having by federal census of 1890 a population of not less than 25,460, nor more than 25,480, shall receive a salary of \$900 per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor; and each commissioner in such county shall devote, if so required, his entire time to the duties of his office, and shall receive nothing in addition to his salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which before being paid, shall be presented in an account and be approved in writing by the prosecuting attorney and probate judge.

Salary, duties
and expenses in
Warren county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

203G

[House Bill No. 808.]

AN ACT

To amend section 2507 of the Revised Statutes, as amended March 9, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2507 of the Revised Statutes, as amended March 9, 1896, be amended so as to read as follows:

Cincinnati
parks and pub-
lic fountains:

SEC. 2507. The board shall have power to make contracts for the improvement of the grounds, the erection of the necessary structures thereon, and to adopt rules for the protection, care and government of the parks and public fountains under its charge, and for the care and protection of trees and shrubbery in the streets or other public highways of such cities, and such rules shall have the same effect and may be enforced by the same penalties as ordinances of the city.

Contracts and
rules.

Repeals, etc.

SECTION 2. That said section 2507, as amended March 9, 1896, is hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 24, 1896.

204G

[House Bill No. 775.]

AN ACT

To amend subdivision 1 of section 1765a of title 12 of the Revised Statutes of Ohio, as supplemented in an act entitled "An act supplementary to and amendatory to title 12 of the Revised Statutes of Ohio," passed March 26, 1891 (O. L. 88, page 222), and amended April 8, 1892 (O. L., 89, page 243).

Cincinnati
auditor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That subdivision 1 of section 1765a of title 12 of the Revised Statutes of Ohio, as passed March 26, 1891 (O. L. 88, page 222), and amended April 8, 1892 (O. L. 89, page 243), be, and the same is hereby amended so as to read as follows:

Annual report.

SEC. 1765a, subdivision 1. At the end of each fiscal year he shall submit to the board of legislation, printed in pamphlet or book form, a report of the accounts of such city, verified by his oath or affirmation, showing the revenue, receipts and expenditures, and sources from which the revenues and funds are severally derived, and in what manner the same have been disbursed.

Repeals, etc.

SECTION 2. Subdivision 1 of section 1765a, as passed March 26, 1891, and amended April 8, 1892, is hereby repealed, and this act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 24, 1896.

205G

[House Bill No. 778.]

AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1897, and the first quarter of the fiscal year ending February 15, 1898.

General appro-
priations for
1897 and 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys

in the treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 16, 1897, to wit:

General appropriations for 1897 and 1898.

Adjutant-General's Department.

Salary of adjutant-general.....	\$2,000 00
Salary of assistant adjutant-general.....	1,500 00
Salary of chief clerk.....	1,400 00
Salary of clerks.....	6,000 00
Salary superintendent of state arsenal.....	1,400 00
Transportation of indigent soldiers.....	250 00
Repair of state arsenal.....	300 00
Contingent expenses and inspections.....	2,000 00
Shipping rosters of Ohio troops.....	300 00
Salary of stenographer.....	600 00
Carpets and furniture.....	150 00

Ohio National Guard.

Pay of Ohio national guard.....	\$43,500 00
Subsistence of Ohio national guard.....	15,000 00
Fuel Ohio national guard.....	3,500 00
Transportation Ohio national guard.....	12,000 00
Horse hire Ohio national guard.....	4,000 00
Forage for horses Ohio national guard.....	600 00
Incidental expenses of military companies...	16,500 00
Uniforms, overcoats and blankets.....	9,500 00
Tents and repairs.....	6,000 00
Care of military stores and freight on arms...	1,400 00
Rent of armories.....	33,600 00
Improvement state camp-ground at Newark..	2,000 00
Code of regulation.....	300 00
Per diem Ohio national guard at Akron March 30 and 31, 1896.....	485 46

State-House and Grounds.

Salary of superintendent of labor.....	\$900 00
Salary of engineer and electrician.....	1,000 00
Salary of three firemen.....	2,160 00
Salary of visitors' attendant.....	720 00
Salary of janitor flag-room.....	720 00
Salary of day policeman.....	720 00
Salary of night policeman.....	800 00
Salary of four (4) regular laborers.....	2,504 00
Extra labor	1,250 00
Fuel for state-house.....	3,000 00
Material and repairs.....	2,400 00
Care and repair of heating apparatus.....	1,700 00
Water rent.....	667 00
Flags for state-house.....	100 00

Agricultural Experiment Station.

Expenses board of control.....	\$500 00
For new construction.....	22,000 00

General appro-
priations for
1897 and 1898.

Bulletin illustration	\$400 00
Special work in entomology.....	1,000 00
Sub-stations, pupils' experiment.....	1,600 00
Special work in botany, horticulture and chemistry	1,400 00
General repairs and supplies.....	2,500 00

Attorney-General.

Salary of attorney-general.....	\$1,500 00
Fees on collections.....	1,500 00
Salary of assistant attorney-general.....	1,500 00
Books and furniture.....	200 00
Contingent	600 00
Extra clerk hire.....	900 00

Auditor of State.

Salary of auditor of state.....	\$3,000 00
Salary of chief clerk.....	2,400 00
Salary of railroad and bank clerk.....	1,700 00
Salary of bookkeeper.....	1,700 00
Salary of land clerk.....	1,500 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistician.....	1,350 00
Salary of corresponding clerk.....	800 00
Transcribing land records.....	1,500 00
Contingent expenses	3,000 00
Carpets, furniture and file cases.....	1,500 00
Clerk hire and preparing forms.....	2,850 00

State Archaeological and Historical Society.

Current expenses	\$2,200 00
Care of Fort Ancient.....	500 00
Publications	700 00
Field-work, etc.....	1,000 00

Board of Agriculture.

Encouragement of agriculture.....	\$6,500 00
Contingent expenses	1,500 00
Crop and stock reporting service.....	1,800 00
Furniture and repairs	400 00

Board Appraisers and Assessors.

Salaries of members.....	\$1,500 00
Contingent expenses	1,000 00

Board of Arbitration.

For per diem and expenses of members.....	\$2,000 00
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Board of State Charities.

Expenses of board.....	\$4,850 00
Expense of investigations.....	300 00

Board of Health.

Expenses of board.....	\$14,000 00	General appropriations for 1897 and 1898.
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Board of Pardons.

Salary of members.....	\$3,000 00
Salary of secretary.....	300 00

Board of Public Works.

For keeping in repair and improvement of Miami and Erie canal, all of its earnings and balances.	
For the northern division of Ohio canal and Walhonding canal, all of its earnings and balances, and.....	\$18,000 00
For the southern division of Ohio canal, all of its earnings and balances, and.....	22,000 00
Provided, That should either division of the Ohio canal or both be sold or abandoned, the foregoing amount shall revert to the state treasury.	
Salary of members.....	2,400 00
Salary of engineers.....	3,600 00
Salary of secretary.....	1,500 00
Salary of clerk.....	700 00
Traveling expenses of members.....	1,800 00
Contingent expenses.....	500 00
Attorneys' fees	1,000 00

Canal Commission.

Expenses of canal commissioners.....	\$5,200 00
Salary of canal commissioners.....	3,000 00
Monumenting survey.....	450 00

Dairy and Food Commissioner.

Commissioner's salary.....	\$2,000 00
Commissioner's expense	1,200 00
Assistant commissioner's salary.....	2,000 00
Assistant commissioner's expense.....	1,600 00
Inspection and prosecution, analysis, publication and payment of clerk and stenographer	40,000 00
Contingent expenses	800 00

Fish and Game Commission.

Expenses of commission.....	\$9,500 00
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Live Stock Commission.

Expenses of commission.....	\$3,000 00
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Commissioner of Labor Statistics.

Commissioner's salary	\$2,000 00
Traveling expenses	550 00

General appro-
priations for
1897 and 1898.

For chief clerk.....	\$1,300 00
For clerk	720 00
For clerk	600 00
For stenographer	720 00
Contingent expenses.....	8,500 00
Furniture and carpets for employment offices.	250 00

Commissioner of Common Schools.

Salary of commissioner.....	\$2,000 00
Salary of chief clerk.....	1,750 00
Salary of statistical clerk.....	1,200 00
Salary of stenographer.....	600 00
Traveling expenses of commissioner.....	750 00
Contingent expenses	900 00
Per diem and expenses of state board of ex- aminers	750 00
Boxing and shipping.....	200 00
Furniture and repair of furniture.....	100 00

Executive Department.

Salary of governor.....	\$8,000 00
Salary of lieutenant-governor.....	800 00
Salary of private secretary.....	800 00
Salary of executive clerk.....	1,800 00
Salary of commission clerk.....	1,500 00
Salary of corresponding clerk.....	1,500 00
Contingent expenses	2,400 00

State Horticultural Society.

Expense of state horticultural society.....	\$1,000 00
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Chief Inspector of Mines.

Salary of chief inspector.....	\$2,000 00
Salary of district inspectors.....	8,400 00
Contingent expenses	5,000 00
Clerk hire	1,150 00
Attorney's fees	100 00

Inspector of Workshops and Factories.

Salary of chief inspector.....	\$2,000 00
Traveling expenses of chief inspector.....	600 00
Salaries of district inspectors (eleven).....	11,000 00
Traveling expenses of district inspectors.....	5,500 00
Contingent expenses	1,200 00
Clerk hire	5,000 00
Furniture and repairs.....	200 00
Scientific appliances	200 00
Attorneys' fees	500 00

Judiciary.

Salaries of judges.....	\$330,000 00
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Law Library.

Salary of law librarian.....	\$1,500 00	General appropriations for 1897 and 1898.
Salary of assistant law librarian.....	1,200 00	
Books and cataloguing.....	2,500 00	
Contingent fund	300 00	
Shelving, furniture and repairs.....	400 00	
Carpets and rugs.....	100 00	

Legislature.

For salaries of members of general assembly, as provided in section 40, Revised Statutes	\$89,400 00
For the clerks of the senate and house of representatives, twenty-five hundred dollars each, which may be paid to them in semi-monthly instalments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allowances provided for in sections 41 and 43 of the Revised Statutes.....	5,000 00
For the payment of the sergeant-at-arms of the house.....	500 00
For the payment of the sergeant-at-arms of the senate	500 00
To be paid to said sergeants-at-arms on approval of the auditor of state in four equal monthly instalments, beginning January 31, 1897.	
Contingent expense of senate clerk.....	150 00
Contingent expense of house clerk.....	150 00
For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber, hall of the house and committee rooms during the year of 1897, and for taking care of the bill-books and other property of the members, as requested by them, sixteen hundred dollars (\$1,600), to be paid to him in semi-monthly instalments on the warrant of the auditor of state. For an assistant for said Frederick Blenkner in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, six hundred dollars (\$600), to be paid to said assistant on the warrant of the auditor of state, twenty-two hundred dollars.....	2,200 00

Prosecution and Transportation of Convicts.

Prosecution and transportation of convicts to Ohio penitentiary	\$150,000 00
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*Prosecution Ohio War Claims Against General Government*General appro-
priations for
1897 and 1898

Salary of agent.....	\$1,500 00
Expenses of agent.....	600 00

Secretary of State.

Salary of secretary of state.....	\$2,000 00
Salary of state supervisor of elections.....	1,000 00
Salary of chief clerk.....	2,400 00
Salary of statistical clerk.....	1,500 00
Salary of assistant statistical clerk.....	1,350 00
Salary of stationery clerk.....	1,350 00
Salary of proof-reading clerk.....	1,350 00
Salary of corporation clerk.....	1,350 00
Salary of recording clerk.....	1,350 00
Salary superintendent of book-room.....	1,000 00
Salary of extra clerk.....	1,350 00
Salary of stenographer.....	1,250 00
Contingent expenses	1,400 00
Distribution of books.....	3,000 00
Stationery	8,600 00

State Library.

Salary of librarian.....	\$1,500 00
Salary of assistant librarian.....	1,200 00
Salary of janitor.....	900 00
Salary of stenographer.....	720 00
Contingent expenses and extra labor.....	1,200 00
Books and papers.....	2,500 00

Superintendent of Insurance.

Salary of superintendent.....	\$2,000 00
Salary of deputy superintendent.....	1,800 00
Salary of examining clerk.....	1,500 00
Salary of bookkeeper.....	1,500 00
Salary of corresponding clerk.....	1,000 00
Salary of mailing clerk.....	1,000 00
Salary of extra clerks.....	2,000 00
Salary of actuary.....	250 00
Attorneys' fees.....	1,000 00
Contingent expenses.....	1,900 00

Bureau of Building and Loan Associations.

Salary of inspector.....	\$1,000 00
Salary of deputy inspector.....	1,800 00
Salary of clerk.....	1,000 00
Salary of extra clerk.....	800 00
Contingent expenses.....	500 00
Attorneys' fees	250 00

Supervisor of Public Printing.

State printing.....	\$35,000 00
State binding.....	33,000 00

Salary of supervisor	\$2,000 00	General appro- priations for 1897 and 1898.
Contingent expenses.....	250 00	
Binding machinery.....	2,500 00	
Carpets	50 00	

Supreme Court.

Contingent fund	\$300 90
Furniture, cleaning and repairs.....	100 00
Janitor.	1,000 00
Attendance	800 00
Carpets, rugs and linoleum.....	150 00

Clerk of the Supreme Court.

Salary of clerk.....	\$1,500 00
Salary of first deputy.....	1,450 00
Salary of second deputy.....	1,250 00
Stenographer	800 00
Contingent expenses	500 00
File cases.....	50 00
Salary of janitor	200 00
Carpets	100 00

Reporter of the Supreme Court.

Salary of reporter.....	\$1,500 00
Contingent expenses.....	800 00

Treasurer of State.

Salary of treasurer of state.....	\$3,000 00
Salary of cashier.....	2,400 00
Salary of two bookkeepers.....	3,000 00
Salary of two night watchmen.....	1,800 00
Salary of janitor.....	720 00
Contingent expenses.....	350 00
Alarm telegraph and telephone.....	86 00
Collecting auditor of state's drafts.....	2,000 00

Ohio Penitentiary.

Per diem of managers.....	\$5,000 00
Salaries of officers.....	25,680 00
Salaries of guards.....	85,000 00
Current expenses.....	187,000 00
Manufacture of gas and improvements of lights	18,000 00
Rewards to discharged convicts.....	33,000 00
Ordinary repairs.....	17,000 00
Library	500 00
Sewerage and water works.....	3,000 00
Fire protection	500 00
Expenses of executions.....	2,500 00
Moral and religious instruction.....	250 00

Athens State Hospital.

Current expenses.....	\$116,000 00
Officers' salaries, trustees' expenses, and salary of secretary	5,800 00

General appro-
priations for
1897 and 1898.

Ordinary repairs and improvements, including furniture and carpets	\$17,000 00
New heating apparatus.....	25,000 00

Cleveland State Hospital.

Current expenses	\$140,000 00
Ordinary repairs and improvements, includ- ing furniture and carpets.....	13,000 00
Salaries of officers and trustees' expenses.....	6,600 00
Amusement hall and chapel.....	25,000 00
Provided further that the trustees of said in- stitution may enter into contracts for said building and have the foundation thereof put in during 1896, to be paid for out of this appropriation when available.	
Furnishing chapel.....	3,000 00

Columbus State Hospital.

Current expenses.....	\$175,000 00
Salaries of officers and trustees' expenses....	7,100 00
Ordinary repairs and improvements, including furniture and carpets.....	16,000 00
For the construction of an electric light plant..	7,500 00
For the construction of an ice and cold storage plant	2,500 00
Pathological laboratory.....	600 00

Dayton State Hospital.

Current expenses	\$117,000 00
Officers' salaries and trustees' expenses.....	6,000 00
Ordinary repairs and improvements, including furniture and carpets.....	15,000 00

Toledo State Hospital.

Current expenses.....	\$155,000 00
Salaries of officers and trustees' expenses.....	5,800 00
Ordinary repairs and improvements, including furniture and carpets.....	15,000 00
Additions to cottages and disturbed ward....	9,000 00
For disposal of sewerage.....	20,000 00

Longview State Hospital.

Current expenses	\$145,000 00
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This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the trustees of said hospital upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the

state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriations shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1897, and ending February 15, 1898.

General appropriations for
1897 and 1898.

Massillon State Hospital.

For construction \$150,000 00

Provided further, that the trustees of said institution may enter into contract for construction not to exceed three hundred thousand dollars (\$300,000), including amount appropriated in bills for 1896 and 1897.

Provided, further that the trustees of said institution may use \$14,000 of above appropriation for the purchase of an adjoining tract of land containing about 88 acres.

Boys' Industrial School.

Current expense fund.....	\$52,500 00
Salary fund and trustees' expenses.....	32,600 00
Repair and improvement fund, including furniture and carpets.....	9,000 00
Reward fund	800 00
Pipe-line and plumbing and supplies.....	2,500 00
Ministerial and lecture fund.....	300 00
Amusements	200 00
For construction of new cottage.....	8,000 00
Cold storage.....	5,000 00

Provided that the exceptions to the penitentiary in section 782 Revised Statutes of Ohio, shall be extended to the boys' industrial school.

Girls' Industrial Home.

Current expenses	\$20,000 00
Salaries and expenses of trustees.....	18,200 00
Ordinary repairs and improvements, including furniture and carpets.....	5,000 00
Expenses of lady visiting committee.....	50 00
Religious services.....	300 00
Amusements	500 00
School building and chapel.....	20,000 00

Provided further, that the trustees of said institution may enter into contract for said building and have the foundation thereof put in during 1896, to be paid out of this appropriation when available.

General appro-
priations for
1897 and 1898.

Institution for the Education of the Deaf.

Current expenses	\$62,000 00
Salaries of officers and teachers, and trustees' expenses	28,608 00
Ordinary repairs and improvements, including furniture and carpets.....	8,000 00
Foremen and supplies, industrial pursuits....	5,500 00
Lumber and nails for boxes.....	1,000 00

Institution for Feeble-Minded Youth.

Current expenses	\$120,000 00
Salaries of officers and teachers and trustees' expenses	16,600 00
Ordinary repairs and improvements, including furniture and carpets.....	16,000 00
For constructing hospitals.....	5,000 00
Removing and rebuilding old laundry and barn now occupied by children.....	5,000 00
Shop buildings.....	5,000 00
Cold storage	3,000 00
Provided that the exceptions to the penitentiary in section 782 Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.	

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government and	\$55,000 00.
Salaries of officers and trustees' expenses....	8,000 00
Ordinary repairs and improvements, including furniture and carpets.....	8,000 00
For constructing an addition to new hospital and equipping	25,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses.....	\$122,000 00
Salaries of officers and trustees' expenses....	24,000 00
Ordinary repairs and improvements, including furniture and carpets.....	15,000 00
Industrial pursuits.....	8,000 00
Salaries of foremen and instructors.....	10,000 00
Net earnings.....	2,500 00
Entertainment and amusement.....	500 00
Electric light plant and school of electricity..	12,000 00
Services in chapel	275 00
Visiting county homes.....	100 00
Support of orphans outside.....	5,000 00

Ohio Hospital for Epileptics.

Current expenses	\$94,000 00
Salaries of officers and trustees' expenses....	5,900 00

Ordinary repairs and improvements, including furniture and carpets.....	\$12,000 00	General appropriations for 1897 and 1898.
Transportation of inmates to and from hospital.....	2,500 00	
Equipping new buildings.....	5,000 00	
For construction.....	135,000 00	

Institution for the Blind.

Current expenses	\$45,000 00
Salaries of officers and teachers and trustees' expenses	13,664 00
Ordinary repairs and improvements, including furniture and carpets.....	7,000 00
Hospital addition and equipment.....	10,000 00
Oculist	500 00
Steam mangle and dry-room.....	750 00

Ohio State Reformatory.

Salaries of officers and guards.....	\$33,000 00
Current expenses	45,000 00
Clothing	6,000 00
Transportation of convicts to reformatory....	5,000 00
For construction of wall around the institution	10,000 00
For construction.....	100,000 00

Printing Commission.

For expenses of commission.....	\$25,000 00
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Commissioner of Railroads and Telegraphs.

For the uses and purposes of the commissioner of railroads and telegraphs office \$15,000 or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner.....	\$3,000 00
Salary of chief clerk'.....	2,000 00
Salary of inspector.....	1,200 00
Salary of statistician.....	1,200 00
Salary of recording clerk.....	1,200 00
Salary of one clerk.....	1,200 00

Miscellaneous.

Pension for Mrs. J. P. Brush.....	\$96 00
To aid in support of deaf mute school at Cincinnati	2,500 00
To aid in support of deaf mute school at Cleveland	2,500 00

General appropriations for 1897 and 1898.

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

206G

[House Bill No. 744.]

AN ACT

To further supplement section 2491 of the Revised Statutes of Ohio, as heretofore supplemented, by enacting section 2491e, as follows:

Toledo natural gas trustees:

Purchase of manufactured gas, meters and plant for manufacturing gas,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 2491 of the Revised Statutes be further supplemented as follows:

SEC. 2491e. That when any city of the third grade of the first class in this state is, or hereafter may be, lawfully engaged in the production and sale of gas, the board of natural gas trustees of such city, may use any money on hand, or that may be received by it in conducting the business of such board or department, in the purchase of manufactured gas, and in the purchase of meters, so as to furnish or sell same to consumers, and may use, if in the judgment of any such board, public interests so require, twenty-five thousand dollars of any such money, in the purchase and [or] building of a plant or plants for manufacturing gas, and may thereafter maintain the same from such moneys, and all for the purpose of making any such gas plant more efficient and profitable.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

207G

[House Bill No. 679.]

AN ACT

To amend section 4006 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4006 of the Revised Statutes of Ohio be amended so as to read as follows:

Portsmouth
school library:

SEC. 4006. For the purpose of increasing and maintaining school-libraries in cities mentioned in section four thousand and three of the Revised Statutes of Ohio, and the territory thereto attached for school purposes, such library committee in such cities is authorized to annually levy a tax of three-tenths of one mill on the dollar valuation of the taxable property of such cities aforesaid, and the territory thereto attached for school purposes, to be assessed, collected and paid in the same manner as are the school taxes of such cities, and all money appropriated or collected by tax for such library shall be expended under the direction of said library committee in the purchase of such books, pamphlets, papers, magazines, periodicals and journals, as may be deemed suitable for the public school-library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining said libraries, the bills and pay-rolls for which said expenditures, shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of the board of education of said city from such library fund.

Library tax.

Expenditures.

SECTION 2. That said section 4006 is hereby repealed, and this act shall take effect and be in force from and after the date of its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

208G

[House Bill No. 624.]

AN ACT

To provide for the payment of William B. Brooks of certain Morgan raid claims, belonging to class 3, as classified by the rules of the "Morgan raid commission," appointed by act of March 30, 1864, and April 27, 1872, by the general assembly of the state of Ohio.

Preamble

WHEREAS, The commissioners appointed under act of March 30, 1864, to classify and audit claims for losses sustained by citizens of the state of Ohio by reason of property taken and destroyed during the Morgan raid, were authorized to entertain and pass upon claims presented for property taken or destroyed by the militia force of the state of Ohio in the pursuit of Morgan, and by the act of May 8, 1873, an appropriation for the payment of such claims as were presented and admitted by the said commission was made, and said claims have been paid by the state; and

WHEREAS, The claimant, William B. Brooks, named in this act, by reason of absence from the place of the meeting of the commission appointed under act of April 27, 1872, failed to present his claim, the same being number seven of the original docket number Morgan raid claims for value of a canal-boat named "Hibernia," taken and used by the state authorities for the transportation of the militia of the state in the pursuit of General Morgan, the value of said property having been fixed by the Morgan raid commission, under act of March 30, 1864, at twelve hundred dollars (\$1,200); therefore,

Appropriation
for William B
Brooks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of twelve hundred dollars (\$1,200) and the auditor of the state required to draw his warrant upon the treasurer of the state of Ohio in favor of William B. Brooks for the sum of twelve hundred dollars (\$1,200), in full payment of said claim.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 24, 1896.

209G

[House Bill No. 595.]

AN ACT

To amend section one (1) of an act to change the name of the intermediate penitentiary to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named, passed April 24, 1891 (vol. 88, p. 382).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above recited act be amended so as to read as follows, viz.:

SEC. 1. That the name of the intermediate penitentiary be changed to that of the Ohio state reformatory; the government and control of the said Ohio state reformatory and of the prisoners sentenced thereto, shall be vested in a board of managers to consist of six (6) members, and not more than three (3) members of said board at any time shall belong to the same political party, to be appointed by the governor, by and with the advice and consent of the senate, one to serve one year, one two years, one three years, one four years, one five years and one six years, as may be designated by the governor at the time of their appointment; and at the expiration of the term of office of each member of the board, his successor shall be appointed in the same manner and by the authority as hereinbefore provided for the term of six years. Whenever a vacancy occurs in the board of managers otherwise than by the expiration of the term of office of a manager, such vacancy shall be filled by appointment by the governor for the unexpired term, by and with the advice and consent of the senate; provided, that the governor may remove any of the managers for misconduct or neglect of duty, after an opportunity to be heard upon written charges. Such board shall have power to complete the construction of said Ohio state reformatory, and shall perform such other duties as shall be required of them by law, and shall have general charge and supervision of said Ohio state reformatory, and shall conduct the same strictly upon non-partisan principles; they shall each receive as compensation for their services the sum of five hundred (\$500) dollars per annum, payable monthly, and they shall be allowed their reasonable traveling and other official expenses, not exceeding \$500 per year, each, payable monthly. This act shall operate and apply to the present board of managers from and after its passage.

SECTION 2. Said section one (1) of the act to change the name of the intermediate penitentiary to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named, passed April 24, 1891 (vol. 88, p. 382), be and the same is hereby repealed.

Reformatories.

Ohio state reformatory; appointment, terms, etc., of members of board of managers.

Vacancy.

Removal.

General powers and duties of board.

Compensation and expenses.

Applicability.

Repeals.

SECTION 3. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 24, 1896.

210G

[House Bill No. 554.]

AN ACT

Supplementary to an act passed March 22, 1893, entitled "An act to establish a uniform system of keeping time throughout the state of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That wherever there is a clock or other timepiece in or upon a public building within this state, the same being maintained at the public expense, it shall be the duty of the board of county commissioners, board of education, or other persons having control and charge of such building, to have said clock or other timepiece set and run according to the standard of time established by the act passed March 22, 1893, entitled "An act to establish a uniform system of keeping time throughout the state of Ohio."

Timepiece in or upon public building to keep central standard time.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 24, 1896.

211G

[Senate Bill No. 370.]

AN ACT

To amend section 2689a of the Revised Statutes of Ohio, as amended May 21, 1894 (91 O. L., 389).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2689a of the Revised Statutes of Ohio, as amended May 21, 1894 (91 O. L., 389), be amended to read as follows:

Finance and taxation:

Maximum of municipal taxes allowable in municipalities other than Cincinnati.

SEC. 2689a. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes above the tax for the county and state purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year, in cities of the second grade of the first class, nine and three-tenth mills;

for paving streets, seven-tenths of one mill; for park purposes five-tenths of one mill; for sewer purposes three mills; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, sixteen mills; provided however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall first be paid; and annually not less than two (2) mills of the remainder shall be levied for sinking fund purposes; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principle and interest of the bonds of such cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class thirteen and in cities of the third grade *a* of the second class ten mills; provided that in cities of the third [grade] of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings, and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax-list; provided however that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, p. 11); and also provided that the councils of the municipalities mentioned in this section shall, annually at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named, be changed, and all transfers of funds from one account to another are hereby expressly prohibited; provided however that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

Distribution of
such taxes.

Surplus in vil-
lage police fund
arising from
Dow law tax.

Repeals.

SECTION 2. That said section 2689a of the Revised Statutes of Ohio as amended May 21, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

212G

[Senate Bill No. 27.]

AN ACT

To supplement [amend] an "Act to enact section 5714a supplementary to section 5714 of the Revised Statutes of Ohio relative to the assignment of dower."

Dower: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5714a of the statutes of Ohio be amended so as to read as follows:

Dower, or dower or curtesy interest, in estate consisting of timber lands, or other unimproved lands or lots.

SEC. 5714a. When an estate of which a widow or widower is dowable, or in which a widow or widower owns a dower or curtesy interest heretofore assigned to or vested in her or him, consists, in whole or part, of timber lands or other unimproved lands or lots, commissioners, appointed as hereinbefore provided, shall return to the court a true appraisement of such lands in money, and also a true appraisement of the annual rental value thereof, and if it shall appear to the court, upon the hearing of such report, that the assignment of dower or curtesy in such lands, either by metes and bounds or as of the rents, issues and profits, can not be or has not been made so to provide such widow or widower with an income from the lands or lots so charged, commensurate with the value of the same, as fixed and determined by said commissioners, the court shall determine the value of such dower or curtesy in money, and make an order directing the sheriff to advertise and sell the lands, so charged with dower or curtesy, or so much thereof as may be necessary, as upon execution; provided, said sheriff shall not be required to cause such lands to be appraised, but the value thereof as returned by said commissioners shall be taken as the appraised value thereof, and such lands shall not be sold for less than two-thirds such appraised value; upon the confirmation of such sale the court shall order the payment to such widow or widower out of the moneys arising from such sale the value of such dower or curtesy so fixed and determined; provided, further, the person or persons owning such lands or lots so charged may, at the time the order for the sale of said lands is made as aforesaid, elect to pay to such widow or widower the value of said dower or curtesy; and if such payment be made within ten

days or such further reasonable time as the court may grant not exceeding ninety days from such election, the court shall make a decree divesting such widow or widower of any interest by way of dower or curtesy in said lands; and any widow or widower owning a dower or curtesy interest in timber lands or other unimproved lots or lands heretofore assigned to or vested in him or her may maintain an action for relief in accordance with this section.

SECTION 2. That section 5714a passed March 22, 1892, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

213G

[House Bill No. 89.]

AN ACT

To protect persons and property from danger at grade crossings of one railroad over another, or over swing, or draw-bridge, and at junction points, by providing for safety devices thereat.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when in case two or more railroads or a railroad and an electric railroad crossing each other at a common grade, or any railroad crossing a stream by a swing or draw-bridge shall, by a system of interlocking, or by other works or fixtures, to be erected by them, or either of them, render it safe for engines or trains to pass over such crossing, or bridge, without stopping, and such system of interlocking works or fixtures shall first be approved by the commissioner of railroads and telegraphs, and a plan of such interlocking works or fixtures, for such crossing or bridge, designating the plan of crossing shall have been filed with such commissioner, then and in that case, it is hereby made lawful for the engines and trains of such railroad or railroads, to pass over such crossing or bridge without stopping, any law, or the provisions of any law, now in force to the contrary notwithstanding, and all such other provisions of law contrary thereto are hereby declared not to be applicable in such case; provided, that the said commissioner shall have and is hereby given power in case such interlocking system or other fixtures, shall, in his judgment, prove to be unsafe or impracticable, to order the same discontinued, opportunity first being given the person or company operating the same to be heard before said commissioner as to the propriety of such order. In case such order is made and enforced, the existing statutes relative to stop-

When railroad engines and trains may legally pass over grade crossing or bridge without stopping.

Discontinuance.

ping at crossings shall apply until such time as a device approved by said commissioner is substituted.

**Petition for
safety-devices
and procedure
thereon.**

SECTION 2. That in case where the tracks of two or more railroads, or the tracks of a railroad and an electric railroad cross each other at a common grade in this state, any company owning any one of such tracks, whose managers may desire to unite with others in protecting such crossing with interlocking, or other safety devices, and shall be unable to agree with such others on the matter, may file with the said commissioner a petition stating the facts of the situation and asking said commissioner to order such crossing to be protected by interlocking, or other safety devices; said petition shall be accompanied by a plan showing the location of all tracks and switches, and upon the filing thereof notice shall be given to each company or persons owning or operating any track involved in such crossing, and the said commissioner shall thereupon view the site of such crossing and shall, as soon as practicable, appoint a time and place for the hearing of such petition. At the time and place named for hearing, unless the hearing is for good cause continued, said commissioner shall proceed to try the question of whether or not the crossing shall be protected by interlocking or other safety devices, and shall give all companies and parties interested an opportunity to be fully heard; and after such hearing said commissioner shall enter an order upon a record-book, or docket, to be kept for the purpose, granting or denying such petition; and in case the same is granted, such order shall prescribe the interlocking or other safety devices for such crossing and all other matters which may be deemed proper to the efficient protection of such crossing, and in such order the commissioner shall designate the proportion of the cost of the construction of such plant, and the expense of maintaining and operating the same, which each of the companies or persons concerned shall pay, and shall also fix the time within which such appliance shall be put in, such time, however, not to exceed ninety days from the making of such order.

**Compulsory
interlocking.**

SECTION 3. In case, however, one railroad company or an electric railroad company shall hereafter seek to cross at grade with its track, or tracks, the track or tracks of another railroad, the railroad company, or the electric railroad company seeking to cross at grade shall be compelled to interlock such crossing to the satisfaction of the said commissioner, and to pay all cost of such appliance, together with the expense of putting them in and the future maintenance and operation thereof. Provided this act shall not apply to crossings of side tracks only.

**When railroad
engines and
trains and elec-
tric cars may
legally pass over
crossings with-
out stopping.**

SECTION 4. Whenever interlocking or other safety devices are constructed and maintained in compliance with section 2 or 3 of this act then and in that case it shall be lawful for the engines and trains of such railroad or railroads and the cars of such electric railroad to pass over said crossing without stopping; any law or the provisions

of any law, now in force to the contrary notwithstanding; and all such other provisions of law contrary thereto are hereby declared not to be applicable in such case.

SECTION 5. Any person, company or corporation refusing or neglecting to comply with any order made by the said commissioner of railroads and telegraphs in pursuance of this act shall forfeit and pay a penalty of five hundred dollars per week for each week of such refusal and neglect, the same to be recovered in an action of debt in the name of the state of Ohio, and to be paid, when collected, unto the county treasurer of any county in which such suit may be tried.

Penalty for refusal or neglect to comply with order.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

214G

[Senate Bill No. 108.]

AN ACT

To provide for the preservation of the public health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no dwelling or building, or any room or apartment of itself, in, or connected with any tenement or dwelling or other building, shall be used except by the immediate members of the family living therein for carrying on any process of making any kind of wearing-apparel, or goods for male or female wear, use, or adornment, or for the manufacture of cigars, cigarettes, or tobacco goods in any form, when such wearing-apparel or other goods are to be exposed for sale, or to be sold by manufacturer, wholesaler or jobber, to the trade or by retail, unless such room or apartment shall have been made to conform to the requirements and regulations provided for in this act.

Requirements and regulations to which room or apartment where certain goods manufactured must conform.

SECTION 2. Each such room or apartment used for the purposes aforesaid, shall be regarded as a workshop or factory, and shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling, and no such workshop or factory shall be used at any time for living or sleeping purposes, and shall contain no bed, bedding, cooking or other utensils, excepting what is required to carry on the work therein; and every such shop or factory shall have an entrance from the outside direct, and if above the first floor shall have a separate and distinct stairway leading thereto, and every such workshop or factory shall be well and sufficiently lighted, heated and

Such requirements and regulations in detail.

ventilated by ordinary, or, if necessary, by mechanical appliance, and shall provide for each person employed therein, no less than 250 cubic feet of air space in day time, and 400 cubic feet at night, and shall have suitable closet arrangements for each sex employed therein, as follows: Where there are ten or more persons, and three or more to the number of twenty, are of either sex, a separate and distinct water closet, either inside the building, with adequate plumbing connections, or on the outside at least twenty feet from the building, shall be provided for each sex; when the number employed is more than twenty-five of either sex, there shall be provided an additional water closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employees and employer or employers of such workshop or factory; provided that where more than one room is used under the direction of one employer, all such rooms are to be regarded as one shop, or factory, and every such workshop or factory shall be kept in a clean and wholesome condition, all stairways and the premises within a radius of thirty feet shall be kept clean, and closets shall be regularly disinfected and supplied with disinfectants, and the inspector of factories or his assistants may require all necessary changes, or any process of cleaning, painting or whitewashing which he may deem essential to assure absolute freedom from obnoxious odor, filth, vermin, decaying matter or any condition liable to impair health or breed infectious or contagious diseases; he shall prevent the operation of such shops and factories that do not conform to the provisions of this act, and cause the arrest and prosecution of the person or persons operating the same.

Powers and duties of inspector of factories or assistants.

Non-complier debarred from work or contract.

SECTION 3. No person, for himself or for any other person, firm or corporation, shall give out work to or contract with any other person to perform such work necessary to make such goods mentioned in section one, after having received notice from the inspector of factories or his assistants, that said latter person has not complied with the provisions of section two of this act which notice shall remain in force, until said person has complied with this law, of which notice must be given to the employer by the inspector of factories or his assistants.

Employer's record.

SECTION 4. Every such person, firm or corporation heretofore mentioned shall obtain and keep a record of all persons to whom work is given out or contracted for, including their names and addresses which record shall be opened to inspection of the state inspector of workshops and factories, when called for.

Traffic in goods made in violation prohibited.

SECTION 5. No person, firm or corporation shall receive, handle, or convey to others, or sell, hold in stock or expose for sale any goods mentioned in section one, unless made under the sanitary conditions provided for and pre-

scribed in this act; but this act shall not include the making of garments or other goods by any person for another by personal order, and when received for wear or use direct from the maker's hands, and all violations of the provisions of this act shall be prosecuted by the inspector with the advice and consent of the chief inspector of workshops and factories.

What not included.

By whom violations prosecuted.

SECTION 6. Any person, firm or corporation who shall violate any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense, or imprisoned not less than thirty nor more than sixty days or both, at the option of the court, such fine to be collected by the court in which conviction is had and turned over to the chief inspector of workshops and factories, and by him to be paid into the state treasury to be credited to the general revenue fund; and in all prosecutions brought by or under the direction of the inspector of workshops and factories for the violation of this act, he shall not be held to give security for costs, or adjudged to pay any costs, but in all cases where the accused be acquitted or is found to be indigent, the costs shall be paid out of the county treasury of the county in which proceedings are brought, the same as the costs in all other cases of misdemeanor.

Penalty for violation; disposition of fine.

Costs in prosecutions.

SECTION 7. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

215G

[House Bill No. 114]

AN ACT

To repeal section 16 of an act entitled "An act to prevent adulteration of and deception in the sale of dairy products, and supplementary to chapter II, title I, part 4, of the Revised Statutes. (Passed and took effect May 17, 1886; 83 O. L., 178.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 16 of an act entitled "An act to prevent adulteration of and deception in the sale of dairy products, and supplementary to chapter II, title I, part 4, of the Revised Statutes," passed and took effect May 17, 1886, 83 O. L. 178, be and the same is hereby repealed.

Section providing compensation for informers repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

216G

[Senate Bill No. 163.]

AN ACT

To amend section 3238 of the Revised Statutes.

Creation of corporations:

Certification of official character of officer before whom acknowledged; filing and recording of articles and subsequent certificates; evidence of existence; same or similar name.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3238 of the Revised Statutes of Ohio be so amended as to read as follows:

SEC. 3238. The official character of the officer before whom the acknowledgment of articles of incorporation is made shall be certified by the clerk of the court of common pleas of the county in which the acknowledgment is taken, and the articles shall be filed in the office of the secretary of state, who shall record the same, and a copy duly certified by him shall be prima facie evidence of the existence of such corporation, and all certificates thereafter filed in the office of the secretary of state, relating to the corporation shall be recorded; but the secretary of state shall not in any case file or record any articles of incorporation in which the name of the corporation is the same as one already adopted or appropriated by an existing corporation of this state or so similar to the name of such existing corporation as to be likely to mislead the public, unless the written consent of such prior existing corporation signed by its president and secretary, be at the same time filed with such articles of incorporation.

Repeals, etc.

SECTION 2. That said original section 3238 of the Revised Statutes be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

217G

[Senate Bill No. 118.]

AN ACT

To amend section 3641c of the Revised Statutes of Ohio, as amended April 11, 1893, and to further supplement section 3641 of the Revised Statutes of Ohio.

Insurance companies other than life:

Sufficiency of bonds, recognizances and undertakings executed or guaranteed by companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3641c of the Revised Statutes of Ohio, as amended April 11, 1893, be amended so as to read as follows:

SEC. 3641c. In all cases in which any bond, recognizance or undertaking is now, or hereafter may be required or permitted by law, with one or more sureties, the execution of the same or the guaranteeing thereof, as the case may be, as sole surety, shall be sufficient by a company au-

thorized to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings in actions or proceedings or by law allowed; and when so executed and guaranteed, shall be in all respects, a full and complete compliance with every requirement of law, ordinance, rule or regulation that such bond, undertaking or recognizance shall be executed and guaranteed by one surety or two or more sureties, or that such sureties shall be residents or householders or freeholders; and any judge, court or officer, whose duty it is to pass upon the account of any assignee, trustee, receiver, guardian, executor, administrator or other fiduciary, required by law to give bond as such, and whenever such assignee, receiver, trustee, guardian, executor, administrator or other fiduciary, has given bond with a surety company as surety thereon, shall allow, in the settlement of the account of such assignee, receiver, trustee, guardian, executor, administrator or other fiduciary, a reasonable sum paid a company authorized under the laws of this state so to do, for becoming his surety on such bond, not exceeding, however, one-half of one per cent. per annum on the amount of such bond; unless such bond shall be in double the amount of the liability of such fiduciary, when the sum so allowed shall not exceed the sum of one-fourth of one per cent. per annum; provided, however, that such company has complied and continued to comply with the laws of this state relative to such companies, and with such requirements as to justification, as may be prescribed by the head of the department, court, judge, or officer required to approve or accept the same, and provided that such bond, recognizance or undertaking be approved by the head of the department, court, judge or officer required to approve or accept the same. This section shall apply to and authorize any surety company above defined to become surety upon the bond required by law of any state officer, (except the superintendent of insurance,) and of any county, township or municipal officer. Such surety company may be accepted by the officer or officers required to approve such bond, in lieu of the sureties now required by law.

Allowance for sum paid company.

Provision.

Bonds of public officers.

SECTION 2. Section 3641 is further supplemented by the following section, numbered as indicated:

SEC. 3641d. Every company organized for the purpose of guaranteeing the titles to real property shall before commencing business in this state, deposit an amount equal to one-half of its capital stock, and in no event less than the sum of two hundred and fifty thousand dollars, with the superintendent of insurance, in the securities permitted by sections 3637 and 3638 of the Revised Statutes, and the entire cost of such title guaranty and abstract company shall be paid up, and with the exception of the deposit aforesaid, shall be invested only as the board of directors of said company may prescribe.

Deposit required of title guaranty and abstract company; requirements as to stock.

Repeals, etc.

SECTION 3 Section 3641c of the Revised Statutes, as amended April 11, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

218G

[Senate Bill No. 174.]

AN ACT

To amend and supplement section 4427 of the Revised Statutes of Ohio.

Taverns:

Liability for loss of or injury to certain property of guest; special arrangement as to other property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4427 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

SEC. 4427. No innkeeper, whether individual, partnership or corporation, who constantly has in his inn an iron safe, or suitable vault in good order, and fit for the safe custody of money, bank-notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by his guests suitable locks and bolts and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this section printed by itself in large, plain pica type and framed, constantly and conspicuously suspended in the office, bar-room, saloon, reading, sitting and parlor-rooms of his inn, and also a copy printed by itself, in ordinary sized, plain pica type, posted upon the inside of the entrance door of every public sleeping room of his inn, shall be liable for the loss of or injury to any such property suffered by any guest, unless such guest has offered to deliver the same to such innkeeper for custody, in such iron safe and such innkeeper has refused or omitted to take it and deposit it in such safe for custody and to give such guest a receipt therefor. Provided, however, that the keeper of any inn shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of five hundred dollars, and shall not be liable for any excess of such property whether received or not; but such innkeeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing; but every innkeeper shall be liable for any loss of the above enumerated articles by a guest in his inn, caused by the theft or negligence of the innkeeper or any of his servants.

SECTION 2. That section 4427 of said Revised Statutes be supplemented as follows:

SEC. 4427a. The liability of the keeper of any inn whether individual, partnership, or corporation, for loss of or injury to personal property placed by his guests under his care, other than that described in the preceding section, shall be that of a depositary for hire; provided, however, that in no case, shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, fifty dollars for each valise and its contents, and ten dollars for each box, bundle or package, and contents, so placed under his care, unless he shall have consented in writing with such guest to assume a greater liability.

Character of liability as to such other property; limitations.

SECTION 3. That section 4427 of the Revised Statutes is hereby repealed, and this act shall take effect from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

219G

[Senate Bill No. 203.]

AN ACT

To supplement section 5809 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5809 of the Revised Statutes of Ohio be supplemented as follows, to wit:

Actions to sell entailed and other estates:

SEC. 5809a. Money arising from such sales, may, under the direction and approval of the court be invested in bonds which are either a portion, or the whole of an issue of bonds secured by first mortgage or trust deed, upon the real estate so sold, under such restrictions as said court may prescribe, which investment shall be reported to the court and be subject to its approval and confirmation.

Further investment of proceeds.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

220G

[Senate Bill No. 205.]

AN ACT

To supplement section 6351 of the Revised Statutes of Ohio as amended May 19, 1886 (O. L., 83, p. 236).

Insolvent
debtors:

Procedure when
petition seeks to
have land laid
out into town
lots.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6351a be enacted as supplementary to section 6351 of the Revised Statutes as follows:

SEC. 6351a. When any assignee or trustee shall commence a civil action under the provisions of section 6351 of the Revised Statutes in the common pleas court or probate court of the proper county, making all persons in interest, parties to such proceedings; and at the time appointed for the hearing of the petition, and the court being satisfied that all of the parties in interest have been duly notified of the pendency of said petition, according to law, and that such real estate ought to be sold; and if such petition seeks to have the land or any part thereof laid out into town lots, and the court finds it will be to the advantage of all parties in interest to have the same done, the court shall also authorize the survey and platting of the land described in the petition, and if the court approve the survey and plat made for that purpose, the court shall also authorize the assignee or trustee, on behalf of all the parties in interest, to sign, seal and acknowledge the plat in that behalf for record according to law.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1890.

221G

[Senate Bill No. 211.]

AN ACT

To amend sections 4, 13 and 14 of an act entitled "An act to provide for a state board of arbitration for the settlement of differences between employers and their employees and to repeal an act entitled 'an act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employees,' passed February 10, 1885," as amended May 18, 1894.

Arbitration:

Adjustment of
differences be-
tween employer
and employees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4, 13 and 14 of said above entitled act be amended so as to read as follows:

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state exists between an employer

(whether an individual, copartnership or corporation) and his employees, if, at the time, he employs not less than twenty-five persons in the same general line of business in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come or be subpoenaed before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute. The term employer in this act includes several employers coöperating with respect to any such controversy or difference, and the term employes includes aggregations of employes of several employers so coöperating. And where any strike or lockout extends to several counties the expenses incurred under this act not payable out of the state treasury shall be apportioned among and paid by such counties as said board may deem equitable and may direct.

What included in "employer" and "employees."

Apportionment of expenses to counties.

SEC. 13. Whenever it is made to appear to a mayor or probate judge in this state that a strike or lockout is seriously threatened, or has actually occurred, in his vicinity, he shall at once notify the state board of the fact, giving the name and location of the employer, the nature of the trouble, and the number of employees involved, so far as his information will enable him to do so. Whenever it shall come to the knowledge of the state board, either by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in this state, involving an employer and his present or past employees, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employees.

Mayor or probate judge to notify state board of strike or lockout.

State board to communicate with employer and employees.

SEC. 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to affect an amicable settlement between them, or, if that seems impracticable, to endeavor to persuade them, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said board may, if it deem it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act; provided, if neither a settlement nor an arbitration be had because of the opposition thereto of one party to the controversy, such investigation and publication shall, at the request of the other party, be had. And the expense of any publication under this act shall be certified and paid as provided therein for payment of fees.

Board to endeavor to effect amicable settlement or induce arbitration, investigate and report cause and assign responsibility.

Repeals, etc.

SECTION 2. That said sections 4, 13 and 14 are repealed, and this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

222G

[Senate Bill No. 225.]

AN ACT

To supplement section 4242 of the Revised Statutes of Ohio.

Fences:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4242 of the Revised Statutes of Ohio be supplemented by an additional section numbered as follows:

Partition fence
where division
line in stream.

SEC. 4242a. Where the division line of adjacent land owners is in a stream of water along which division line it is impractical to construct and maintain a partition fence, and where such partition fence is necessary to prevent domestic animals of one of said land owners from trespassing upon the land of the other, and where the trustees of any township have heretofore or may hereafter assign to each of said land owners his part or share of such fence to be constructed and kept in repair, as provided by section 4242 of the Revised Statutes, the part so assigned to each land owner shall be built and maintained upon his own premises along the bank of said stream, and the parts of the fence so assigned shall be joined together by each land owner constructing a fence or water gate from the end of said fence so assigned to him nearest to the end so assigned the other land owner to the division line in said stream of water; and for the purpose of determining the liability of one of said land owners by reason of the trespass of domestic animals upon the lands of the other, such fence shall be considered and held to be a partition fence.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

223G

[House Bill No. 229.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897a be enacted as supplementary to section 897 of the Revised Statutes, as follows:

County commissioners:

SEC. 897a. In counties which by the last preceding federal census had a population of not less than 29,040 nor more than 29,075, each county commissioner shall on and after June first, 1896, devote his entire time to the duties of his office if so required, and shall receive a salary at the rate of one thousand (\$1,000) dollars per annum to be paid in equal monthly instalments upon the warrant of the county auditor. Said salary shall be in full payment for all services rendered, mileage or any other expenses of any kind incurred except when traveling on official business outside the county each commissioner may be paid his actual expenses after filing with the county auditor an itemized statement of the same attested by his oath and approved by the prosecuting attorney.

Duties, salary and expenses in Highland county.

SECTION 2. This act shall take effect and be in force from and after June 1, 1896.

Taking effect.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

224G

[Senate Bill No. 233.]

AN ACT

To amend section 5545 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5545 of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 5545. If the defendant, or other person on his behalf, at any time before judgment, cause an undertaking to be executed to the plaintiff, by sufficient surety resident in the county, to be approved by the court, in double the amount of the plaintiff's claim as stated in his affidavit, to the effect that the defendant shall perform the judgment of the court, the attachment shall be discharged, and restitution made of any property taken under it, or the proceeds thereof; and such undertaking shall also discharge the liability of a garnishee in the action, for any property of the defendant in his hands; provided that, when plaintiff's claim is for causing death or a personal injury by a negligent or wrongful act, the undertaking required shall be in such

Proceedings upon attachment:

Discharge of attachment and liability of garnishee by undertaking.

Amount when claim for causing death or injury, etc.

amount as shall be fixed by the court where the action is pending, or a judge thereof, if application is made in vacation.

Repeals, etc.

SECTION 2. That said original section 5545 be, and the same is hereby repealed, and this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINRILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

2256

[Senate Bill No. 239.]

AN ACT

To amend sections 3 and 4 of an act "To prohibit the use of fictitious names in partnership," passed May 19, 1894 (O. L., vol. 91, pp. 357, 358), as amended February 10, 1896.

Partnership:

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That sections 3 and 4 of an act "To prohibit the use of fictitious names in partnership," passed May 19, 1894, as amended February 10, 1896, be amended so as to read as follows:

Signing and acknowledging of certificate.

SEC. 3. The certificate filed with the clerk of the court of common pleas provided in section 1 of this act, must be signed by the partners and acknowledged by some officer authorized to take acknowledgments of conveyances of real estate; except that in case of a joint stock company or a commercial or banking partnership, whose capital stock is represented by shares or certificates of stock transferable on the books of the concern and whose business is conducted by a board of directors and officers, the president, secretary or cashier of such company or commercial or banking partnership, may sign and acknowledge such certificate, giving therein the names of all the persons interested as partners or shareholders in such company or partnership.

New certificate on change in membership; joint stock company, or banking partnership.

SEC. 4. On every change of the members of a partnership transacting business in this state under a fictitious name or designation which does not show the names of the persons interested as partners in the business, except in the cases mentioned in section 2 of this act, a new certificate must be filed with the clerk of the court of common pleas, as required by this act, on the formation of such partnership; except that in case of a joint stock company or banking partnership, it shall be sufficient, if the certificate provided for in section 1 of this act, is filed once in each year, on or before the first Monday in April; and for the filing and indexing of each certificate under the provisions of this act, said clerk shall be entitled to charge the partnership filing the same the sum of forty cents.

Fee of clerk.

SECTION 2. That said original sections B and C of said act, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

Repeals, etc.

[Senate Bill No. 242.]

AN ACT

To amend sections 1282a and 1282c of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1282a and 1282c of the Revised Statutes be amended so as to read as follows:

SEC. 1282a. There shall be elected at the next annual fall election and thereafter triennially, by the qualified electors of any county containing a city, of the second grade of the first class, a solicitor, who shall be an attorney at law and shall hold his office for three years, from the first Monday in January next after his election. He shall be the legal adviser and attorney of the board of county commissioners, of the annual and biennial boards of equalization, of the board of revision, of the county auditor and of the county treasurer, and shall be required to prosecute or defend all suits and actions which said board of county commissioners may direct, or which may be required to be brought by or which may be brought against either of said officers, or any of said boards, and shall have all the powers and perform all the duties of the prosecuting attorney under sections 1276, 1277 and 1279 of the Revised Statutes. It shall be his duty whenever requested so to do, to give legal advice, and to furnish opinions, in writing, to any county officer and to any of said boards, with regard to their official duties, a record of which opinions shall be kept in his office. And when requested so to do, he shall attend all regular, adjourned or special meetings of said boards, and shall be entitled to protest against any action taken, or contemplated by any of said boards, which protest shall be entered on the minutes of the meeting thereof. His office shall be at the seat of justice in his county, in such room or rooms as are provided by the board of county commissioners, and he shall receive a salary of three thousand dollars per annum, payable monthly, out of the county treasury on a warrant of the county auditor.

SEC. 1282c. The judges of the court of common pleas of any such county are hereby authorized to appoint a solicitor pro tempore to fill any vacancy occurring in said office, either by death, resignation, or otherwise. Such

Prosecuting attorney:

Solicitor of Cuyahoga county: election, qualification, term, duties, powers, office and salary.

Legal adviser and attorney of the board of county commissioners.

Legal adviser and attorney of the board of county commissioners.

Legal adviser and attorney of the board of county commissioners.

Solicitor pro tempore: election of successor.

solicitor pro tempore shall perform the duties and receive the salary of solicitor, and shall hold his office until his successor shall be elected and qualified under section 1282a. Such successor shall be elected at the annual fall election next after such appointment.

Repeals and taking effect.

SECTION 2. That said sections 1282a and 1282c be and they are hereby repealed, such repeal to take effect the first Monday in January, A. D. 1897, and otherwise this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

227G

[Senate Bill No. 255.]

AN ACT

To amend an act entitled "An act to provide for the organization and support of farmers' institutes," passed April 26, 1890.

Farmers' institute society:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to provide for the organization and support of farmers institutes," passed April 26, 1890, be amended as follows:

When farmers' institute society deemed body corporate.

SEC. 1. That when twenty or more persons, residents of any county in the state, organize themselves into a farmers' institute society, for the purpose of teaching better methods of farming, stock raising, fruit culture and all branches of business connected with the industry of agriculture, and adopt a constitution and by-laws agreeable to rules and regulations furnished by the state board of agriculture; and when such society shall have elected proper officers and performed such other acts as may be required by the rules of the state board of agriculture, such society shall be deemed a body corporate.

Number, times and places of annual meetings.

SEC. 2. Not to exceed four farmers' institute societies organized under the provisions of this act, shall hold annual meetings under the auspices of the state board of agriculture in any one county in the state, and the state board of agriculture shall have power to determine the number and name the times and places for holding such institute meetings.

County payments to societies and state board of agriculture.

SEC. 3. When a society organized under the provisions of this act shall have held an annual farmers' institute meeting in accordance with the rules of the state board of agriculture, the secretary of said board shall issue certificates, one to the president of the farmers' institute society and one to the president of the state board of agriculture, setting forth these facts and, on the presentation of these

certificates to the county auditor, he shall each year draw orders on the treasurer of the county as follows: Based on the last previous national census, a sum equal to three mills for each inhabitant of the county in favor of the president of the state board of agriculture, and a sum equal to three mills for each inhabitant of the county in favor of the president of the farmers' institute society, where but one society is organized, but in counties where there are more than one farmers' institute society organized under the provisions of this act, and holding meetings under the auspices and by direction of the state board of agriculture, the said three mills for each inhabitant shall be equally apportioned among such societies, and warrants in the proper amounts issued to the respective presidents, and the treasurer of the county shall pay the same from the county fund; provided that in no county shall the total annual sum exceed two hundred and fifty dollars; and provided further, that the payment to any institute society shall not exceed the expenses, as per detailed statement, provided in section four of this act.

SEC. 4. With each certificate of the secretary of the state board of agriculture to the county auditor, which certificate shall indicate the number of societies organized in the county and holding meetings by direction of the state board of agriculture, and before the auditor issues his order upon the treasurer there shall be filed with the auditor a detailed statement of the expenses of the institute for the current year, no part of which shall be for salaries of officers of the institute society; but this provision shall not apply to the order in favor of the president of the state board of agriculture, which board shall issue statement as required in section six of this act.

Society's statement of expenses, what secretary's certificate to indicate.

Provision inapplicable to state board.

SEC. 5. At the annual farmers' institute meetings, held under the provisions of this act and under the auspices of the state board of agriculture, the said board shall furnish lecturers or speakers whose compensation and expense shall be paid by the board.

Lecturers or speakers at annual meetings.

SEC. 6. At the close of each season's institute work, the state board of agriculture shall publish in pamphlet or book form, such lectures and papers delivered at the several institute meetings, as may seem of general interest and importance to the farmers, stock breeders and horticulturists of the state, copies of which shall be furnished the secretary of each institute society, and the balance issued to be for general distribution; the cost of preparing the matter and the distribution of the pamphlet or book to be paid by the state board of agriculture. Said board shall also publish, in such pamphlet or book, a detailed statement of its receipts under the provisions of this act and the disbursements on account of institute work.

Publication and distribution of lectures and papers.

Board's statement of receipts and disbursements.

SECTION 2. Said original act, entitled "An act to provide for the organization and support of farmers' insti-

Repeals, etc.

tutes," passed April 26, 1890, is hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

228G

[House Bill No. 289.]

AN ACT

To amend section 6968 of the Revised Statutes of Ohio as amended March 3, 1891, [February 17, 1892].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6968 of the Revised Statutes of Ohio, as amended March 3, 1891, be so amended as to read as follows:

Offenses against public policy:
Catching fish with prohibited devices.

Bass: unlawful traffic or possession.

Destruction of devices.

Bait; stocking; hatcheries.

Penalty for violation.

Disposition of fines.

Prosecutions for violations of laws for protection of birds, fish and game.

SEC. 6968. No person shall draw, set, place, locate or maintain any pound, net, seine, fish-trap, trammel-net, gill-net, fyke or set-net, or any device for catching fish in any of the waters, either natural or artificial, lying in the state of Ohio, or part therein, nor catch fish with any device in any of the waters of this state, except with hook and line, with bait or lure. No person shall catch and take any bass less than six inches in length; nor buy, sell, offer for sale or have in possession, any fish caught out of season, or in any manner prohibited. And all pound-nets, seines, fish-traps, trammel-nets, gill-nets, fyke or set-nets, or any device for catching fish, set, placed, located or maintained in or upon any of the waters of this state, or on the shores of any such waters, in violation of this act shall be deemed a public nuisance and shall be abated and destroyed. Provided, that nothing in this act shall prevent the taking of minnows for bait with nets, or shall prevent the fish and game commissioners of this state, or their authorized agents, from taking fish at any time or place, in any manner, for the purpose of stocking ponds, lakes and rivers, and for the maintenance and cultivation of fish in hatcheries. Any person convicted of any violations of any of the provisions of this act shall be fined not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, and in case of neglect or refusal to pay said fine, be imprisoned in the county jail or workhouse, and shall there remain for the full period of thirty days. And all fines collected under the provisions of this act shall go to the county fish and game fund in the county wherein such offense shall have been committed, unless otherwise directed and ordered by the fish and game commission of this state. And it is hereby made the duty of the chief warden, special wardens, fish and game wardens and their assistants, of this state to prosecute all violations of this act, and all violations of sections 6960,

6961, 6963, 6964, 6966, and all the laws enacted for the protection of birds, fish, and game, in connection with the prosecuting attorneys of the counties wherein such offense shall have been committed, and such prosecuting attorneys shall be entitled to the same fees as are now allowed by law for the collection of forfeited bonds. And such chief warden, special wardens, fish and game wardens and their assistants shall have the same power to make arrests, subpoena witnesses and summons jurors to try all cases arising from violations of this act and all laws enacted for the protection of fish and game, and commit prisoners as the sheriffs in the counties of this state, and shall be entitled to the same fees for similar services. Provided, that nothing in this section shall apply to lake Erie, or any of the estuaries, inlets or bays thereof, or shall apply to artificial fish-ponds.

Lake Erie, artificial fish ponds, etc.

Repeals.

SECTION 2. That section 6968, section 6968c, and section 6968d of the Revised Statutes be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

229G

[Senate Bill No. 270.]

AN ACT

To permit the incorporation of territory within a township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1561 of the Revised Statutes be supplemented as follows:

Villages and hamlets.

SEC. 1561a. When the inhabitants of any territory or portion thereof, all of which is located within the limits of the same township, desire that such territory shall be incorporated into a village or hamlet, they shall make application to the trustees of such township, by petition signed by at least thirty electors thereof, a majority of whom shall be freeholders. Said petition shall be accompanied by an accurate map of the territory, and shall contain, in addition to the matters set forth in section 1555 of the Revised Statutes of Ohio, the request of the petitioners that an election be held to obtain the sense of the electors upon such incorporation, and such petition may be presented at a regular or special meeting of the township trustees.

Petition to township trustees for incorporation.

SEC. 1561b. When the township trustees receive the petition, together with the proof that the persons who signed it are electors, and reside within the limits of the proposed

Procedure of trustees upon receipt of petition.

incorporation, and that a majority of them are freeholders, they shall then make and declare that such territory shall, with the assent of the qualified voters thereof as hereinafter provided, be an incorporated village or hamlet by the name specified in the petition aforesaid, and they shall also include in such order, a notice for the election by the qualified voters, residents in said territory, at a convenient place therein to be by them named, on some day within fifteen days thereafter, to determine whether such territory shall be incorporated, and said township trustees shall give ten days' notice of such election by publication in a newspaper of general circulation in such territory, and cause written or printed notices thereof, to be posted in three or more public places in said territory proposed to be incorporated.

**Election upon
question and
procedure there-
after.**

SEC. 1561c. The township trustees shall be judges of the election, and the township clerk shall be clerk thereof, and the election shall, as far as practicable, be conducted in the manner prescribed for the election of township officers, and the ballot shall contain the words "For incorporation" and "Against incorporation," and if a majority of the ballots cast at such election shall contain thereon the words "Against incorporation," the voters of such territory shall be deemed not to have assented to the incorporation thereof, and no further proceedings shall be had in relation thereto, but this shall not be a bar to other proceedings for the same purpose; but if a majority of the ballots cast shall have thereon the words "For incorporation," the township trustees shall cause to be entered on their journal, a minute of all their proceedings, the number of votes cast at the election, the number of votes cast for incorporation, and the number cast against incorporation, and they shall then declare that said territory shall from that time be deemed an incorporated village or hamlet, and shall make an order declaring that such village or hamlet has been incorporated by the name adopted, and the trustees shall make a certified transcript of the journal entries of all their proceedings, together with their original petition and plat, and a majority of them having signed it, they shall deliver the same to the county recorder, who shall forthwith make a record of the petition, transcript and plat or map, in the public book of records, and preserve in his office the original papers delivered to him by the trustees, and certify thereon that the transcribed petition and map are properly recorded. When the recorder has so made said record, he shall certify and forward to the secretary of state, a transcript of the same. The corporation shall then be a village or hamlet, as the case may be, under the name adopted in the petition, with all powers and authorities, and be recognized as such, the same as if such incorporation had been organized under chapter 2, division 2, title 12 of the Revised Statutes of Ohio, but no injunction shall be brought, as provided in section 1562 of the Revised Statutes of Ohio, unless the same be instituted within ten days from the filing of the

**Injunction; pe-
tition for error.**

papers with the county recorder: provided, however, that the right of petition to the court of common pleas for error, shall exist as is provided for in the following sections of this chapter.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

230G

[Senate Bill No. 272.]

AN ACT

To amend section 3036 of the Revised Statutes of Ohio, as amended May 21, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3036 of the Revised Statutes of Ohio, as amended May 21, 1894, be amended so as to read as follows: Militia:

SEC. 3036. Each regiment shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three and not more than five companies each, and shall have a colonel, lieutenant-colonel, one major for each battalion, a surgeon with the rank of major, one assistant surgeon for each battalion, with rank of captain, a quartermaster with the rank of captain, an inspector of rifle practice, with rank of captain, a regimental adjutant with rank of first lieutenant, a regimental signal officer, with rank of first lieutenant, one commissary with rank of first lieutenant, one battalion adjutant for each battalion in a regiment of two or more battalions, with rank of second lieutenant, a chaplain and a non-commissioned staff, consisting of a regimental sergeant-major, and a sergeant-major for each battalion, one quartermaster-sergeant, one commissary-sergeant, a hospital steward and an acting hospital steward for each battalion, two principal musicians and a drum-major. A commander of the regiment may enlist a regimental band to consist of a leader, and not more than twelve men for each battalion of his regiment; also a hospital corps of not more than eight men for each battalion, and a signal corps consisting of one sergeant and not more than one corporal and four privates for each battalion. Each company shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, an armorer, and not less than thirty-two and not more than fifty-six privates. Regimental battalion and company organizations.

Repeals, etc.

SECTION 2. That section 3036 of the Revised Statutes, as amended May 21, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

231G

SENATE BILL NO. 276

State of Ohio

DOCS

[Senate Bill No. 276.]

AN ACT

To authorize the holders of or owners of interest in, the unsundered leases for parts of section 29, in township 5, in range 14 of the Ohio company's purchase, to surrender the same and purchase said land in fee simple.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the present lessees, sublessees, or owners by purchase, descent or otherwise, of interests in or rights under the permanent leases of section 29, in township 5, in range 14 of the Ohio company's purchase in Gallia county, may surrender the same for the part of said section

Surrender of leases for parts of section 29, in Gallia county, for purchase of such parts and deeds for same.

And interest in such parts and deeds for same.

so owned by them, respectively, to the auditor of Gallia county and purchase in fee simple such part of said section, as its present appraised value; that upon payment to said auditor of the present appraised value of the part of said section so purchased, he shall certify such payment with a description of said land and the name of the purchaser to the auditor of state, whereupon the governor of the state shall make a deed to such purchaser for the part of said section 29 so purchased by him, which deed shall vest the fee simple title to said land in the grantee therein named.

Disposition of proceeds.

SECTION 2. The proceeds of the sales of said parts of said section 29, under this act, shall belong to the permanent ministerial fund of said township 5, as now provided by law as to the proceeds of the sales of the parts of said section previously sold.

SECTION 3. This act shall take [effect] and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

232G

[Senate Bill No. 284.]

AN ACT

Supplementary to section No. 1278 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section No. 1278 of the Revised Statutes of Ohio, be supplemented by supplementary section No. 1278a, as follows:

Suit by taxpayer to restrain, etc.:

SEC. 1278a. If the court hearing such case is satisfied that such taxpayer is entitled to the relief prayed for in his petition and a judgment is ordered in his favor, he shall be allowed his costs including a reasonable compensation to his attorney, and for all services rendered by the prosecuting attorney under the provisions of section 1277 in which the state is successful the court shall allow the prosecuting attorney reasonable compensation for his services and proper expenses incurred.

Allowance of taxpayer's costs; prosecuting attorney's compensation and expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

233G

[Senate Bill No. 287.]

AN ACT

To pay certain deficiencies and liabilities of the Ohio national guard for rent of armory at Ottawa, Putnam county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sum be and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay a deficiency and liability, as hereinafter specified, being a claim against the state of Ohio, held by August Fipp and Barney Utrup, for rents due them for armory of company I, second regiment of the Ohio national guard at Ottawa, Ohio, the sum of seven hundred and fifty-eight dollars and thirty-three cents. Said sum is appropriated in full settlement of all claims against the state of Ohio held by the parties named for the rents aforesaid.

Appropriation for rent of armory O. N. G. at Ottawa.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

234G

[House Bill No. 290.]

AN ACT

To amend section 3 of an act entitled "An act supplementary to chapter 1, title 6, of the Revised Statutes of Ohio," as amended March 14, 1893; also section four, as amended May 16, 1894, and section six, passed March 20, 1889, both of above chapter and title.

Benefit of ditch
in adjoining
county.

Further pro-
ceedings on fail-
ure to agree or
pay.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3, 4 and 6 of chapter 1, title 6, be amended to read as follows:

SEC. 3. The court being satisfied of the existence of proceedings for any such improvement, and the failure to agree or pay as aforesaid, shall appoint two disinterested freeholders, not residents or owners of real property, of either of said counties, and immediately notify the probate court of the other county interested in said ditch or ditch improvement, who shall, in like manner, appoint two other freeholders not residents or owners of real property in either county, and notify the court in which such proceedings were commenced, giving names and postoffice address of those appointed, and the said court in which proceedings were commenced shall, within ten days thereafter, notify said four persons thus appointed, giving them full and explicit instructions, and the time and place of meeting; who shall, within thirty days thereafter, upon actual view of the outlet ditch, or of the territory to be drained by any such proposed improvement, and of the ditch or ditches in the upper county, and of the land to be drained in the upper county, whose waters flow into said outlet, or which will flow into any such proposed outlet or proposed improvement thereof, estimate and report to the court the amount which should justly be paid by said upper county to said lower county for the use and benefit of said outlet ditch, or for any improvement thereof; which order of appointment, together with full and explicit instructions to said appointees, shall be entered on the journal of said court; and a copy thereof sent forthwith by the clerk to each of said appointees. Provided, that if said board of four freeholders shall not be able to agree upon the amount to be paid by said upper county to said lower county, then they shall call to their assistance one other freeholder who shall not be a resident or owner of real property of either of said counties, and the said five freeholders shall forthwith proceed to determine the amount of damages the said upper county shall pay to the said lower county, and report the same as herein provided.

Abandonment
by commis-
sioners of upper
county.

SEC. 4. The commissioners of the upper county referred to in section three of this act, may abandon any such proposed improvement if in their judgment the benefits to be derived from said proposed improvement are not of sufficient value to warrant the expenditure of money required for the construction of said proposed improvement

together with the damages assessed under section three of this act.

SEC. 6. The court shall order the commissioners of the upper county to apportion and assess the amount mentioned in said report, together with entire expense of these proceedings, to the land in said county, in the same ratio as the expense of constructing said ditch or ditches in said upper county was apportioned and assessed; and the court shall further order said commissioners to cause the sums so apportioned to the respective tracts of land in said upper county to be placed on the special duplicate of said county against such lands for collection. If proposed improvement be abandoned the court shall order the commissioners of said upper county to pay the costs of proceedings under section three of this act, said costs to be apportioned and placed on the special duplicate, in same manner that cost of improvement would have been apportioned and placed on the special duplicate, provided nothing herein contained shall be construed to affect any existing litigation.

Apportionment and assessment of damages and expenses in upper county; placing of sums on duplicate.

Costs in case of abandonment.

Existing litigation.

Repeals, etc.

SECTION 2. Sections 6 and 3, and 4, as amended are hereby repealed. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

235G

[Senate Bill No. 300.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio as amended April 21, 1890 (87 O. L., 240), as amended March 24, 1892 (89 O. L., 142), as amended April 10, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3959 of the Revised Statutes as amended April 21, 1890, as amended March 24, 1892, as amended April 10, 1896, be amended to read as follows:

School funds:

SEC. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills, provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class such estimate and levy shall not exceed seven mills on the dollar of valuation of taxable property; provided, however, that boards of education in said cities of the second grade of the first class may levy, in addition to the seven mills aforesaid, a tax of

Maximum of levy in Cincinnati.

Cleveland.

All other districts, except —

Certain Hamilton county and all special and village districts.

When and for what purpose greater tax may be levied.

not to exceed one mill on the dollar of valuation of taxable property within said district which said levy shall be used for the purchase of school-house sites and the erection of school-buildings thereon and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. And in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed eight mills on each dollar of valuation of taxable property; but a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period if no such paper is published therein.

Repeals.

SECTION 2. That said section 3959 of the Revised Statutes of Ohio, as amended April 10, 1896, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

236G

[Senate Bill No. 310.]

AN ACT .

To amend section 2267 of the Revised Statutes of Ohio, as amended May 21, 1894.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2267 of the Revised Statutes of Ohio, as amended May 21, 1894, be amended so as to read as follows:

SEC. 2267. No public improvement the cost or part of cost of which is to be especially assessed on the owner of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to the council concur, unless two-thirds of the owners to be charged, petition in writing therefor; and in villages not situated in a county containing a city of the first class, no special assessments shall be made except for sidewalks and gutters, and main or trunk line sewers, and such other sewers as are provided with a good and sufficient outlet unless it first receives the assent in writing, of a majority of the owners to be charged therewith. Provided that in cities of the third grade of the first class no public improvements except sidewalks and sewers the cost or part of the cost of which is to be assessed on the owners of adjacent property shall be made until the majority of the owners of the property to be assessed shall have petitioned to the common council asking for said improvement, and a statement of title showing the existing owners of said property shall have been filed with the city clerk, and until said petition shall have been approved by the city solicitor and his certificate endorsed thereon, the cost of procuring said statement to be taxed as part of the cost of improvement against the property assessed therefor.

Requirements
for special as-
sessments, etc.

Certain villages.

Toledo.

SECTION 2. That said section 2267 as amended May 21, 1894 (91 v. 426), be and the same is hereby repealed, and this [act] shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 27, 1896.

✓ 237G

[Senate Bill No. 315.]

AN ACT

To further supplement section 2834 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2834 of the Revised Statutes be supplemented so as to read as follows:

Levying taxes—
miscellaneous:

SEC. 2834b. The commissioners of any county, the trustees of any township and the board of education of any school district, except in cities of the first class, of first, second and third grade, shall enter into no contract, agreement, or obligation involving the expenditure of money, nor shall any resolution or order for the appropriation or expenditure of money be passed by any board of county com-

Restrictions as
to contracts,
agreements, ob-
ligations, appro-
priations and
expenditures.

missioners, township trustees or board of education, except in cities of the first class, of first, second and third grade, unless the auditor or the clerk thereof shall first certify that the money required for the payment of such obligation or appropriation is in the treasury to the credit of the fund from which it is to be drawn, or has been levied and placed on the duplicate, and in process of collection, and not appropriated for any other purpose; which certificate shall be filed and immediately recorded, and the sums so certified shall not thereafter be considered unappropriated, until the county, township, or board of education, except in cities of the first class, of first, second and third grade, is fully discharged from the contract, agreement, or obligation, or so long as the order or resolution is in force, and all contracts, agreements or obligations, and all orders or resolutions entered into or passed contrary to the provisions of this section shall be void.

SECTION 2. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

238G

[Senate Bill No. 317.]

AN ACT

To amend sections 871 and 872 of the Revised Statutes of Ohio, as amended February 3, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That original sections 871 and 872 of the Revised Statutes of Ohio, as amended February 3, 1896, be amended so as to read as follows:

County commis-
sioners:

Objects for
which money
may be bor-
rowed and bonds
issued.

Payment of in-
terest and prin-
cipal.

SEC. 871. The commissioners, for the execution of the objects stated in the preceding section, or for the purpose of erecting or acquiring any building in memory of Ohio soldiers, court-house, buildings for county officers, jail, county infirmary, or any necessary buildings, or bridge, or for the purpose of enlarging, repairing, improving or rebuilding any such building or bridge, or for the relief or support of the poor, may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually, at the county treasury, and the principal shall be paid at such treasury, at such times as the commissioners prescribe, within twenty years from the date of such indebtedness; the interest on all the bonds issued for any of said purposes,

shall become due and payable at the same time, and the first payment of interest on any such bond shall be for such portion of the six months as has elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter.

SEC. 872. The bonds so issued may be used to refund any bonds outstanding, which were issued for the purpose of purchasing the lands or erecting the buildings so acquired by the commissioners, and shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached, in sums not less than fifty nor more than one thousand dollars each, payable to bearer at the county treasury, with interest, as aforesaid, at such times, not exceeding twenty years after date, as the commissioners prescribe, and such bonds shall specify distinctly the object for which they were issued.

Bonds issued under preceding section.

SECTION 2. That sections 871 and 872 of the Revised Statutes of Ohio, as amended February 3, 1896, be, and the same are, hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

239G

[Senate Bill No. 318.]

AN ACT

To amend section 623 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 623 of the Revised Statutes of Ohio be amended so as to read as follows:

Benevolent institutions:

SEC. 623. The board of trustees of any benevolent institution of the state is authorized, when, in its judgment, it is necessary for the benefit of such institution, or for the more efficient and proper administration of the charities contemplated by its organization, to acquire any real estate, right of way, or easement in real estate; and when it is unable to agree with the owner or owners thereof upon the price to be paid therefor, said board shall by a two-thirds vote of all the members of said board declare their intention to appropriate the same, setting forth such intention by a resolution containing a pertinent description of the property sought to be appropriated; and on the passage of such resolution, the yeas and nays shall be taken and with the resolution be entered in full in the minutes of said board. At any time after the adoption of the resolution, application may be made in the name of the board of trustees as a body

Acquisition of real estate, right of way or easement; procedure, costs, etc., in appropriation.

to either of the courts and in the manner as is provided for the appropriation of private property by municipal corporations in section 2236 and the subsequent proceedings therein shall be the same so far as applicable as provided for municipal corporations in section 2237 and the following sections of chapter 3, division 7, title 12, Revised Statutes; but it is optional with such board to refuse to accept the real estate, right of way, or easement sought to be appropriated, at the price found by the jury, in case it pays the costs and necessary expenses to the property owner incurred in such proceeding, to be fixed by the court on application of the board; but no such board may institute proceedings to appropriate property unless money has been appropriated by the legislature for the purpose of acquiring real estate or a right of way or easement therein. Provided, however, that when any board of trustees bring their action against any parties not unknown or not legally incapacitated from entering into a contract and, after service is complete, tender in writing to such owner or owners the amount of compensation and damages they are willing to pay such owner or owners, and such owner or owners neglect or refuse to accept said tender and the jury thereafter find and allow in said proceedings compensation and damages not exceeding in the aggregate, the aggregate of the amount theretofore tendered by said board of trustees, then said owner or owners shall pay all costs made in said proceedings subsequent to said tender.

Repeals, etc,

SECTION 2. Said original section 623 shall be repealed and this act shall take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

240G

[House Bill No. 324.]

AN ACT

To amend section 1230b of an act passed April 13, 1892. (O. L., vol. 89, page 271.)

Sheriff:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1230b of the Revised Statutes of Ohio be amended so as to read as follows:

Fees and compensation of sheriff in counties of 22,500 or more.

SEC. 1230b. In all counties which at the last preceding federal census had a population of twenty-two thousand five hundred or more, and for which there is no provision made by law for the payment of the sheriff, he shall receive the following fees and compensation: For the service of every writ or summons and the return thereof (subpoena only excepted), when only one defendant is named therein,

twenty-five cents; additional defendant, fifteen cents; levying each writ of execution on real or personal estate, or the service of an order of arrest upon the body of each defendant named in the writ, twenty-five cents, and mileage as in other cases; every bail bond, thirty cents; committing to prison or discharging therefrom, fifty cents; attending before judge or court, fifty cents; to be paid by the county unless upon a conviction, in which case it shall be taxed in the cost bill and paid by the state; serving a writ of possession, with the aid of the county, one dollar and twenty-five cents; and without the aid of the county, sixty cents. The copy of any writ or process necessary to complete a service, for each one hundred words, six cents; serving and returning a subpoena for each person named therein, ten cents; serving and returning a subpoena for each person named therein to appear before the grand jury, ten cents, to be paid by the county upon the certificate of the clerk; serving and returning regular venire for petit or grand jury, or serving a special venire for petit jury to fill the panel, to be paid by the county, four dollars and traveling fees going and returning; for escorting a jury from court to place of view on each issue forty cents. Summoning a special jury including traveling fees four dollars; traveling fees, upon all writs, precepts and subpoenas, going and returning, eight cents per mile; provided, that where more than one person be named in such writ, mileage shall be charged for the shortest distance necessary to be traveled; poundage on all moneys actually made and paid to the sheriff on executions, decree, or sale of real estate (except on writs for the sale of real estate in partition), one and one-half per centum on the first thousand dollars, and one per centum on all sums over one thousand dollars; but where such real estate is bid off and purchased by a party entitled to part of the proceeds, the sheriff shall not be entitled to any poundage, except on the amount over and above the claim of such party; service of copy of pleading and return, the same fees as are allowed for the service of a summons, including mileage, as herein provided; making a deed of land sold on execution, decree, or order of court, to be paid by the purchaser, one dollar and seventy-five cents; serving any person with an order of court, and making a return thereto, twenty-five cents, and mileage as on service of summons; calling a jury, ten cents; opening court and calling each action, to be charged but once each term of the court in which the cause is pending, ten cents; calling each witness, five cents; bringing up a person on habeas corpus, sixty cents; summoning a jury in forcible entry or detainer, or in forcible entry only, one dollar and fifty cents; serving a writ of restitution, sixty cents, and mileage thereon as in other cases; calling an inquest to appraise lands and tenements, under execution, one dollar; all advertisements in a newspaper, twenty-five cents, in addition to the price of printing; all written advertisements for the sale of property, either real or personal,

twenty-five cents; executing a writ of partition, one dollar, and traveling fees as in other cases; selling real estate under an order of court in partition, three-fourths of one per centum where the amount of the sale does not exceed two thousand dollars, and one-fourth of one per centum on the amount over and above that sum.

Repeals.

SECTION 2. That supplementary section 1230*b* of an act passed April 13, 1892 (O. L. 89 vol., 269), be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
Passed April 27, 1896. 241G

[Senate Bill No. 329.]

AN ACT

To further supplement section 1692 of the Revised Statutes.

Powers of cities
and villages:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section shall constitute a section supplementary to section 1602 of the Revised Statutes of Ohio, as amended April 11, 1890, with the sectional numbering as follows:

Nuisance.

SEC. 1692*f*. To determine what shall be a nuisance and to abate the same; to impose fines upon parties who may create, continue or suffer a nuisance to exist.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
Passed April 27, 1896. 242G

[House Bill No. 538.]

AN ACT

To create and perpetuate a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children and dependent mothers or fathers of deceased firemen in cities of third grade of the second class.

Board of trustees of the firemen's pension fund in cities third grade second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the persons who, from time to time, compose the board of fire commissioners, or such other board or committee of the city council of any city of the third grade of the second class, having control or manage-

ment of the fire department of such city, and three other persons, members of the fire department therein, elected as hereinafter provided, shall constitute and be the trustees for the distribution of the pension fund now existing or hereafter provided, and shall be called "the board of trustees of the firemen's pension fund."

SECTION 2. The three persons to be elected as such trustees shall, together with three other persons, also members of the said fire department, be nominated for such office of trustee in a convention to be composed of one delegate from each engine, chemical engine, fire boat, hook and ladder or hose company, fire alarm telegraph company and the general office belonging to the fire department of any such city and called by chief of such fire department or three members of such fire department; and convened at least two weeks prior to the election of such three trustees. That such election shall be held in the respective houses or headquarters of such engine, chemical engine, fire boat, hook and ladder or hose company, telegraph department or general offices, and be by ballot, cast by the members of the said fire department between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the third Tuesday in January, in each and every year hereafter, except the first election, which shall be held within thirty days after, and by virtue of the passage of this act. That every such member shall be entitled to cast only one ballot. That no ballot shall contain the names of more than three persons, and the persons receiving the highest number of votes shall be declared elected as such trustees, and hold their office until their successors are duly elected. That the captain or officer in command of any such company, on the day of and immediately after holding such election, shall canvass, count, and certify in writing the number of ballots cast and the vote received by each candidate for the office of trustee. After signing such certificate said officer or captain in command shall at once address and deliver, or mail the same to the city clerk, of such city that the mayor, city clerk and chief of the fire department shall together, within three days after the receipt of such certificates by said secretary, open the same, and ascertain and determine the total number of votes so cast at said election for the different persons for the office of trustee as returned by said captain or officer in command, and under the respective hands of such mayor and city clerk, issue certificates of their election to the three persons elected as such trustees. In case of a tie vote being received by any two persons for the office of said trustee, such tie vote shall be decided by casting lots or in any other way which may be agreed upon by and between the persons for whom such tie vote was cast. No election shall be set aside for want of formality in balloting by such members, or certifying or remitting the returns of any such election by said captain or officer in charge.

Election of trustees.

President and secretary of board; record of proceedings; annual report.

SECTION 3. Said board shall be organized by the election of a president and secretary. The secretary shall keep a full record of the proceedings of said board of trustees, and all action taken by it in regard to the said pension fund, and shall annually make a report to the city council of such city, giving in detail a statement of the transactions of the board for the current year ending December 31, in each year, said report to be made to the council on or before the second Monday in January of each year.

Tax on foreign insurance companies applied to pension fund.

SECTION 4. That the county treasurers of counties containing a city or cities of the third grade of the second class, semi-annually at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurer of such cities, on the warrant of the county auditor, one-half of the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government and doing business in any such city, on the gross receipts of every such insurance company under and by virtue of the provisions of section 2745 of the Revised Statutes, during the half-year preceding such semi-annual settlement, and the money so paid over to such city treasury shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth.

Notice of failure of insurance company to make return and penalty for such delinquency.

SECTION 5. In case any such insurance company shall fail to make return to the office of the auditor of the county in which the office or agency of such insurance company may be kept, in the month of May, annually, the amount of the gross receipts of such agency for entry upon the tax list of the proper county, the auditor shall forthwith give notice of such failure to the superintendent of insurance, and said superintendent shall, upon the receipt of such notice from said auditor, forthwith revoke and recall the license and authority to such insurance company to do or transact business within the state. And no renewal of authority shall be granted to such insurance company for three years after such revocation, and it shall be prohibited from transacting any business in this state until again duly licensed and authorized so to do, and the said return shall have been duly made. In each and every case of the failure of the said auditors to give such notice to said superintendent of insurance, such auditor shall forfeit and pay to said city, for the use and benefit of said pension fund the sum of one hundred dollars, such forfeiture to be recovered of said auditor by an action at law therefor, brought against him by any person, in the name of any such city, and before any court of competent jurisdiction.

Penalty for failure to give such notice.

Auditor's annual statement of names and gross receipts; penalty for failure.

SECTION 6. That it shall be the duty of said auditor to make out and deliver to the said board of trustees annually, on the first of July, in each and every year hereafter, a correct statement of the name and agent's name of every such insurance company so doing business in said city, to-

gether with the amount of the gross receipts of every such insurance company as returned by said agent or company to said auditor for the year previous to such first day of July. In case of failure of said auditor to so make out and deliver to said board of trustees any such annual statement at the time named in each and every year hereafter, such auditor shall forfeit and pay to said board of trustees for the use and benefit of the said pension fund, the sum of twenty-five dollars. Such forfeiture to be sued for and recovered of such auditor in an action at law brought against him by any person, in the name of any such city, and before any court of competent jurisdiction.

SECTION 7. That it shall be the duty of the auditor of the said county to make out and deliver to the said board of trustees, semi-annually, each and every year hereafter, a statement showing the amount of taxes paid into the treasury of such county by such insurance companies for the year, or part thereof, prior to the making and delivery of such semi-annual statement of said auditor to such board of trustees, and in case of the failure of said auditor to so make out and deliver such semi-annual statement to said board of trustees, as herein provided, in each and every year hereafter, such auditor shall forfeit and pay to said board of trustees, for the use and benefit of said pension fund, the sum of twenty-five dollars. Such forfeiture to be sued for and recovered against him in an action therefor, brought by any person in the name of such city, before any court of competent jurisdiction.

Auditor's semi-annual statement of taxes paid; penalty for failure.

SECTION 8. All fines imposed upon members of the fire department in any such cities by way of discipline or punishment, together with all rewards in money, fees, gifts and emoluments that may be paid or given especially to said pension fund on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by such member, or given to endow a medal, or other permanent or competitive reward) shall be paid to and received by the said city treasurer, and applied by him to the said pension fund, and the said board of trustees may take by gift, grant, devise or bequest any money, real estate or personal property, right of property or other valuable thing, the annual income of which shall not exceed fifty thousand dollars in the whole, and such money, real estate or personal property, right of property or other valuable thing so obtained, shall in like manner be paid to and applied by such city treasurer to the said pension fund, and also to the use of such fund by deposit, investment or profit as hereinafter provided, or as such board of trustees shall direct; provided, that the sum of one hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be, when so received and accumulated, retained as a permanent fund, the annual income of which may alone be made available for the uses and purposes of said pension fund.

Other revenues of such fund.

Permanent fund.

City treasurer's
bond.

SECTION 9. That the treasurer of every such city shall execute a bond with sufficient sureties to such city for the faithful performance of his duties as the custodian of such pension fund, in like manner as his present official bond as such treasurer is drawn, executed and filed, and in such penal sum as the said board of trustees shall direct.

Power to invest
fund in regis-
tered bonds.

SECTION 10. That the said board of trustees shall have power to draw such pension fund from the treasury of such city, and invest the said fund in the name of "the board of trustees of the firemen's pension fund" in interest bearing bonds of the United States, the state of Ohio, or any county in this state, or of said cities or of any township, incorporated village, or other municipal corporation in the state of Ohio, where the power to issue bonds is derived from either general or special legislative authority. That the said bonds shall, before the same are issued to the said board of trustees, be registered in the office of treasurer of United States, or said state of Ohio, or county, city, township, incorporated village or other municipal incorporation in this state issuing the same, and bear upon their face the printed or legibly written fact of such registry, together with the book, and page, and the date and place of such registry. The said board of trustees shall make report to the common council of the condition of said pension fund on the second day of January of each and every year.

Annual report
of board.

Beneficiaries of
fund: Member
of department
permanently
disabled.

SECTION 11. If any member of the fire department of any such city shall, while in the performance of his duty, become or be found upon an examination of a medical officer ordered by said board or committee having control of the fire department, to be physically or mentally permanently disabled, and such disability shall have been caused in, or induced by the actual performance of the duties of his position as such member, so as to render necessary his retirement from all services in the said fire department, such board or committee shall have power to retire such permanently disabled member from all service in the said fire department, and upon such retirement said board of trustees shall authorize the payment to such permanently disabled member, monthly from the said pension fund upon the order of the city clerk, the sum of forty dollars. If any member of the said fire department shall, while in the performance of his duty, be killed, or die from the effects of an injury received; or of any disease thus contracted; or while retired, die from such cause; [and] such member so killed or dying from said injuries or disease; shall leave a widow, or minor child or children under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund of the following sums monthly, to wit: To such widow, while unmarried, twenty dollars; to the guardian of such minor child or children, six dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother; until

Dependents of
deceased mem-
ber.

she remarries; and in case that there is no dependent mother, but a father who is dependent upon such member for support, said dependent father shall be paid the same sum monthly provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money or bonds to the credit of the said pension fund to pay to each person entitled to the benefit thereof, the full amount per month as hereinbefore stated, then and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

Prorating of
payments.

SECTION 12. In case of partial permanent disability of any member of said fire department caused in or induced by the actual performance of the duties of his position as such member, or which shall have occurred before the expiration of ten years' service in the said fire department, the chief engineer, fire marshal, or fire chief of such fire department, upon an examination of such partially permanently disabled member, by the medical officer ordered by the said board of trustees, shall have power to relieve such partially, permanently disabled member from actual service at fires, and the said board of trustees upon such member being so relieved shall authorize the payment to such partially, permanently disabled member, monthly from the said pension fund, a sum not less than twenty dollars or more than thirty dollars or in proportion to the number of beneficiaries of said fund (as the condition of said pension fund) may warrant. The member so partially permanently disabled and relieved from active service at fires, shall remain a member of said fire department, subject to the rules governing the same, and may be ordered by the said official head of said fire department to the performance of such light duties as the medical officer ordered by such official head of said fire department may certify him qualified to perform, and the said official head of said fire department shall, out of the general fund of said fire department, fix and pay such additional compensation for the performance of said light duties, as the circumstances and merit of each case (in its discretion) may warrant. Such pension and additional compensation so paid to such partiality permanently disabled member mentioned in this and the preceding sections of this act, shall be in lieu of any salary received by such member at the date of his being so relieved from active service at fires, and said city shall not be liable for the payment of any other claim or demand for services hereafter rendered by such partially permanently disabled member.

Member partially permanently disabled.

SECTION 13. Any member of the said fire department after twenty-five years' service in said fire department, shall upon his written application to the said board of fire commissioners or other official head of said fire department be retired from all service in said fire department and the said board of trustees upon such member being so retired

Member retired.

shall authorize the payment to such retired member monthly from the said pension fund the sum of thirty dollars, or in proportion to the number of beneficiaries of said fund as the condition of said pension fund will warrant. That any member of the said fire department after thirty years' service in said fire department shall upon his written application to the said board of fire commissioners or the official head of said fire department, be retired from all service in said fire department and the said board of trustees upon such member being so retired shall authorize the payment to such retired member monthly from the said pension fund the sum of thirty-five dollars or in proportion to the number of beneficiaries of said fund as the condition of said pension fund will warrant. That the payment of such pension shall be made as provided in section 2 of this bill, or section 2 of senate bill No. 380, 67th general assembly.

**Exemption from
attachment,
execution, etc.**

SECTION 14. That no portion of said pension fund shall, either before or after its order of distribution by the said board of trustees to such disabled member of said fire department, or to the widow or guardian of the minor child or children, or to the dependent mother or father of the deceased or retired member of said department, be held, seized, taken, subjugated to, detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever, issued out of or by any court in this state, for the payment or satisfaction, in whole or in part, or any debt, damages, claim, demand, judgment, fine or amercement of such member, or his said widow, or the guardian of the minor child or children or of the dependent mother or father of any deceased member; but the said fund shall be sacredly kept, held, secured, promoted and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

Repeals, etc.

SECTION 15. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

SECTION 16. This act shall take effect and be in force immediately from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 27, 1896.

243G

[Senate Bill No. 349.]

AN ACT

To supplement supplementary section 2573c of the Revised Statutes of Ohio, as amended April 25, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2573c, be supplemented by the following:

Shops and factories:

SEC. 2573c-2. Provided, however, that one district inspector, skilled, experienced, and thoroughly conversant with the manufacture of powder, dynamite, nitro-glycerine, fuses, and other explosives, and their compounds, and whose duty it is to personally inspect their manufacture, handling and storage, as provided in section 1 of an act, entitled "An act to regulate the manufacture, sale and use of dynamite within the state of Ohio, so as to provide for the inspection of such and to protect the public from the dangers of explosion," as amended April 12, 1893, shall be entitled to, and be paid, a salary of eight hundred dollars per annum in addition to that named and provided for in said supplementary section 2573c.

Additional salary of inspector of manufacture, handling and storage of explosives.

SECTION 2. That this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

244G

[Senate Bill No. 354.]

AN ACT

To amend an act authorizing certain county commissioners to provide depositories for public money and other purposes, passed May 21, 1894, Ohio Laws, vol. 91, pages 403, 404, 405, 406 and 407.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county where depositories are not otherwise authorized by law the commissioners thereof, may designate in the manner hereinafter provided, a bank situated in such county and duly incorporated under the laws of this state, or of the United States, as a depository of the money of the county.

Depository for county funds.

SECTION 2. When the commissioners of any county shall determine to provide a depository for the money of such county, they shall publish in two newspapers, published and of general circulation in the county, for two consecutive weeks, a notice, which shall invite sealed proposals from all banks coming within the provisions of the preceding sec-

Notice for proposals from banks.

What proposals shall contain.

tion, which proposals shall stipulate the rate of interest, not less than one per cent. per annum that will be paid for the use of the money of the county, as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank, filing the same in case the proposal is accepted.

Opening of proposals and awarding of use of moneys; expense and risk when deposits made outside county seat.

SECTION 3. On the Monday next, following the last insertion of such notice, at the hour of twelve o'clock, noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; provided, that if such award shall be to a bank outside the municipality at which the county seat of such county is fixed, the expenses and risks of making deposits therein by the county treasurer, as hereinafter provided for, shall be borne by such bank to which such award shall have been made, and if two or more banks, offer the same highest rate of interest, the use of the money shall be awarded to either of them, or the commissioners may divide the funds to be deposited, and award a portion thereof to each of such banks, and if no proposals are received offering a rate of interest as required in section two, the commissioners shall at once, again advertise in the manner aforesaid for such proposals; and if satisfactory proposals are not received, the commissioners shall continue in the manner aforesaid to advertise for such proposals, until acceptable proposals are received; but each said subsequent advertisement, shall also state, whether any proposal was received under the preceding advertisement, and if any was received, from what bank, and the rate of interest offered.

Readvertising.

Undertaking required of depositary.

SECTION 4. No such award shall be binding on such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, or until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners, for the use of the county, in such sum, as the commissioners shall direct, and which shall not be less than the sum that shall be deposited in the depositary at any one time; and such undertaking shall be signed by at least six resident freeholders as sureties, or, by a fidelity and indemnity insurance company, authorized to do such business within the state, and having not less than \$100,000 capital, to the satisfaction of the commissioners as provided herein, and conditioned for the receipt, safe-keeping and payment over, of all money which may come under its custody, under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposal; and the undertaking shall be further conditioned, for the faithful performance by the bank of all the duties imposed by this act upon the depositary of the money of the county.

SECTION 5. Such undertaking shall not be accepted by the commissioners, until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed thereon; and if any bank to which an award is made as aforesaid, fail to execute an undertaking as required hereby, to the acceptance of the commissioners, or fail to hypothecate the bonds, as provided in section seven, within thirty days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal, offers the same rate of interest therefor, as designated in the proposal of such defaulting bank; but if the written proposal of no other bank offers the same rate of interest, they may award such use to any bank whose written proposal offers the next highest rate of interest therefor, the undertaking and hypothecation required to be executed in either case; or the commissioners may in case of default as aforesaid, advertise for others in the manner aforesaid.

Approval of undertaking.

Effect of failure to execute undertaking.

SECTION 6. The bank to which an award is made, shall, upon the acceptance by the commissioners of the undertaking, and upon the hypothecation of the bonds as provided for herein, become the depositary of the money of the county, and remain such for three years, or until the undertaking of its successors is accepted by the commissioners; but the commissioners may at any time they deem the same necessary, require additional security from the bank, in such sum as they shall designate; and if the bank refuse, or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom, to the county treasury, or may designate some other bank to be the depositary thereof, temporarily, at such rate of interest, or without interest, as they may determine. Such removal, and all other removals ordered by the commissioners under the provisions of this act, shall be made upon their written order, and the check of the county treasurer, after 30 days' notice to said depositary bank. If the money in case of such removal, be deposited in a bank designated as a depositary, temporarily, such bank shall, before the receipt by it of any such money, enter into an undertaking and hypothecate the bonds as required by this act; but if no bank be so designated, the money shall be disposed of as provided in section eight.

When and term for which bank becomes depositary.

Additional security.

Removal and disposal of deposits in case of refusal or neglect to give such security.

SECTION 7. The commissioners may in lieu of the undertaking provided for, by preceding sections, accept as security for money deposited as aforesaid, interest bearing securities of a state, county, or municipal corporation, where the indebtedness of such does not exceed 10 % of the assessed valuation; the face value of which shall not be less than the sum specified in section four, as the amount to be named in the undertaking, in lieu of which such bonds are accepted; or they may accept such bonds as partial security to the extent of their face value for the money so deposited

Hypothecated bonds as security.

and require an undertaking for the remainder of the full amount specified in said section, to be named in the undertaking, and in the undertaking so required, such acceptance of bonds as partial security, and the extent thereof shall be set forth. The hypothecation of such bonds shall be by proper legal transfer as collateral which shall stipulate that the bonds shall be the property of the county, in case of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provisions for the safe-keeping of such hypothecated bonds; and the interest thereon when paid, shall be turned over to the bank, so long as it is not in default as aforesaid.

Deposits by
treasurer in
depositary.

How money
payable.
Interest.

Monthly state-
ments of depos-
itary, auditor
and treasurer.

Filing and com-
parison of treas-
urer's checks.

SECTION 8. The treasurer shall upon the receipt of a written notice from the commissioners, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank or banks selected as such depositary or depositaries, deposit as directed by the commissioners to the credit of the county, all money in his possession, except such as may be necessary to meet current demands, in such bank or banks, and thereafter he shall before noon of each business day, deposit in such bank or banks, all money received by him the preceding business day, except as hereinbefore provided; and such money shall be payable only on the check of the treasurer. All money deposited with any depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county, on the first day of March and the first day of September each year, or at any time when the account may be closed, and when the interest is credited to the county, the depositary shall notify the auditor and treasurer in writing, of the amount thereof before noon of the next business day, and all such interest shall be credited to the general fund of the county.

SECTION 9. On the first business day of each month, the depositary shall notify the county auditor, in writing of the amount of deposits made by the treasurer for the preceding month, and the balance on deposit to the credit of the county, at that time, and the auditor and treasurer shall each prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund, and account the amount disbursed from each, the balance remaining to the credit of each, the balance of money in the depositary, and the balance in the treasury, and the commissioners shall place such statements on file and forthwith post a duly certified copy of each, in the auditor's office, to remain so posted, at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank or banks, acting as a county depositary or depositaries, shall file with the county commissioners, all

checks of the county treasurer, paid and redeemed by the bank, during the previous month, and the commissioners shall compare such checks with the report of the county treasurer, and if the statement of such bank or banks and the treasurer do not agree, the commissioners shall forthwith give notice thereof to the treasurer and auditor, who shall thereupon ascertain the cause of such discrepancy and report the same to the commissioners.

Discrepancies.

SECTION 10. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties having depositaries under and according to its provisions, except that they shall not be held liable for any loss of money deposited by them in the depositaries, as provided herein, while such money is in the custody of such depositaries.

Liability of treasurer.

SECTION 11. An officer of any such county who wilfully violates any provisions of this act, or wilfully neglects or refuses to perform any duty thereby imposed upon him, shall, upon conviction thereof in the court of common pleas, be fined in any sum not exceeding ten thousand dollars, for the use of the county or be imprisoned in the penitentiary not more than ten years, nor less than one year, or both, at the discretion of the court.

Penalty.

SECTION 12. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act, shall be held to be superseded by the latter as to the matter of inconsistency, and not otherwise, in counties having a depositary or depositaries for county funds under the provisions thereof; provided that when, for any reason, any of such counties shall be without a depositary for such funds, the money of the county shall be placed and remain in the custody of the treasurer until another depositary is designated, and he shall be governed by the general laws relating to county treasurers.

Conflicting statutory provisions superseded.

When county without depositary.

SECTION 13. An act passed May 21, 1894, O. L. vol. 91, page 403 to 407, and amended March 17, 1896, authorizing certain county commissioners to provide depositaries for public money and for other purposes is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 27, 1896.

245G

[Senate Bill No. 355.]

AN ACT

To amend section 1297 of the Revised Statutes.

Salaries of
county officers:Salary of pros-
ecuting attor-
ney.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1297 of the Revised Statutes be amended so as to read as follows:

SEC. 1297. The prosecuting attorney shall receive an annual salary not exceeding the sums herein named, to be fixed by the commissioners of the county, to wit: In Hamilton and Cuyahoga counties thirty-five hundred dollars. In the counties of Lucas and Franklin two thousand dollars. In Montgomery county fifteen hundred dollars. In each county containing less than twenty thousand inhabitants by the last federal census, four hundred dollars; and in each other county two dollars for each one hundred inhabitants such county contained at the next preceding federal census, to be paid at such times and in such instalments as the county commissioners may direct.

Repeals.

SECTION 2. Said original section 1297 is hereby repealed.

Taking effect.

SECTION 3. This act shall take effect and be in force from and after the first Monday in January, A. D. 1897.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

246G

[Senate Bill No. 361.]

AN ACT

To amend sections 4095, 4096 and 4100 of the Revised Statutes of Ohio.

Cincinnati uni-
versity.Acceptance of
educational
trusts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4095, 4096 and 4100 be amended to read as follows:

SEC. 4095. The board of directors of the university of the city of Cincinnati in the name and behalf of the city, may accept and take any property or funds heretofore or hereafter given to the city for the purposes of founding, maintaining, or aiding a university, college or other institution for the promotion of free education, and upon such terms, conditions, and trusts, not inconsistent with law, as the said board of directors may deem expedient and proper for that end.

Further accept-
ance of trusts;
application of
funds.

SEC. 4096. For the further endowment, maintenance, and aid of any university, college, or institution for the promotion of free education, heretofore or hereafter so founded

in said city, the board of directors of the university thereof may, in the name and in behalf of the city, accept and take as trustee, and in trust for the purpose aforesaid, any estate, property, or funds, which have been or may be lawfully transferred to the city for such use, by any person or body corporate having the same, or any annuity or endowment in the nature of income which may be covenanted or pledged to the city toward such use by any person or body corporate; and any person or body corporate having and holding any estate, property, or funds, in trust or applicable for the promotion of education, or the advancement of any of the arts or sciences, may convey, assign, transfer, and deliver over the same to said city as trustee in his or its place, or covenant or pledge its income, or any part thereof, to the same; and such estate, property, funds, or income shall be held and applied by such city in trust for the further endowment or maintenance of such university, college, or institution, in accordance, nevertheless, with the terms and true intent of any trust or condition upon which the same was originally given or held.

SEC. 4100. The citizens of said city whose children, wards, or apprentices are admitted to such institution, shall not be charged for such admission into the academic department; and no charge shall be made for the instruction of such pupils in the academic department. The board of directors of such university may charge fees to students in other departments, and shall have power in its discretion from time to time to make the university free in any or all of its departments to citizens of Hamilton county, Ohio.

Free or paid admission.

SECTION 2. That said original sections 4095, 4096 and 4100 of the Revised Statutes of Ohio, be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER.

Speaker of the House of Representatives.

ASAH W. JONES,

President of the Senate.

Passed April 27, 1896.

247G

[Senate Bill No. 364.]

AN ACT

To amend section 2100c of the Revised Statutes relating to the government of cities of the second grade of the first class as passed April 13, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2100c of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Workhouses:

SEC. 2100c. Every person who, after having been convicted, sentenced and imprisoned, in any workhouse for an offense committed heretofore or hereafter in this state in

Cumulative sentence.

violation of an ordinance of [a] municipality, or a law of this state, shall be convicted of a second misdemeanor whether committed in violation of an ordinance of a municipality or a law of this state, punishable by imprisonment in any workhouse, within this state, shall for such second offense, be punished by imprisonment for not less than double the penalty imposed for the first offense; and in case of two previous convictions for such misdemeanors, the penalty for a third misdemeanor shall not be less than double the penalty imposed in the last of such previous misdemeanors. But no greater punishment shall be inflicted for the second or third misdemeanor, than the maximum penalty provided by law or ordinance for the particular offense committed. Every person who, after having been three times convicted, sentenced and imprisoned in any workhouse or workhouses for offenses committed heretofore or hereafter in this state, whether in violation of law or ordinance, shall be convicted of a fourth misdemeanor, whether committed in violation of an ordinance of a municipality or law of this state, punishable by imprisonment in any workhouse within this state, shall, upon conviction for such offense be held and deemed to be an habitual offender and shall be imprisoned in a workhouse for a period of not less than one year nor more than three years. In all such cases the court may order that the offender stand committed to such workhouse until the costs of prosecution be paid. The fact of former conviction or convictions shall be charged in the information or complaint and, if proved, shall be stated in the commitment. A pardon for a former offense granted on the ground of innocence shall operate as a full defense in any charge under this section of a prior conviction for such offense.

Habitual offender.

Repeals, etc.

SECTION 2. Section 2100c of an act relating to government of cities of the second grade of the first class, passed April 13, 1893, is hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

248G

[House Bill No. 370.]

AN ACT

Regulating fraternal beneficiary societies, orders and associations.

Fraternal beneficiary association defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole

benefit of its members [and] their beneficiaries. Each association shall have a lodge system, with ritualistic form of work and representative form of government, and may make provision for the payment of benefits in case of death, sickness, temporary or permanent physical disability, either as the result of disease, accident or old age, provided the period of life at which payment of physical disability benefits on account of old age commences, shall not be under seventy (70) years. Each association or order may also make provision for withdrawal of those of its members unable or unwilling to continue their payments at any time after two years of membership, provided, however, that such withdrawal benefits shall not exceed the amount contributed by such members, and it may also make provisions for the payment of final benefits, at any time after ten years of membership, as may be provided by its constitutional laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of any such association shall be defrayed shall be derived from assessments, dues or other payments collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the members. Such associations shall be governed by this act, and shall be exempt from the provisions of the insurance laws of this state, and no law hereafter passed shall apply to them unless they be expressly designated therein. Any such society, order or association may create, maintain and disburse a reserve fund in accordance with its constitutional by-laws. Such reserve fund (if any), shall represent certain prescribed accumulations or percentages retained for the benefit of the members or their beneficiaries, and no part thereof shall be used for expenses.

SECTION 2. Any society, order or association of this, or any other state, province or territory, now operating in this state, and having lodges, councils or branches duly established or organized in this state, may continue their business, provided that they hereafter comply with the provisions of this act regulating annual reports and the designation of the superintendent of insurance as the person upon whom process may be served as hereinafter provided.

SECTION 3. Any association operating within the description as set forth in section 1 of this act, organized under the laws of any other state, province or territory, and not now doing business in this state shall be admitted to do business within this state, when it shall have filed with the superintendent of insurance, a duly certified copy of its charter and articles of association, and a copy of its constitution or laws, certified to by its secretary or corresponding officer, together with an appointment of the superintendent of insurance of this state, as the person upon whom process may be served as hereinafter provided; and provided that such association shall be shown by certificate to be authorized to do business

Lodge system and form of work and government.
Death, sick or physical disability benefits.

Withdrawals.

Final benefits.

Benefit and expense funds.

To whom death benefits paid.

Government of associations; exemptions.

Reserve fund.

Conditions upon which operating society, order or association may continue.

Conditions upon which foreign association admitted.

in the state, province or territory in which it is incorporated or organized in case the laws of such state, province or territory shall provide for such authorization; and in case the laws of such state, province or territory do not provide for any formal authorization to do business on the part of any association, then such association shall be shown to be conducting its business in accordance with the provisions of this act, for which purpose the superintendent of insurance of this state may personally, or by some person to be designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments of such association at its home office, which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor, and the expense of such examination shall be limited to fifty dollars (\$50).

Annual report
of associations.

SECTION 4. Every such association doing business in this state shall, on or before the first day of March of each year, make and file with the superintendent of insurance of this state, a report of its affairs and operation during the year ending on the thirty-first day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank forms, to be provided by the superintendent of insurance, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the superintendent of insurance, under a separate part, entitled "fraternal beneficial associations," and shall contain answers to the following questions:

I. INCOME DURING THE YEAR.

Amount received for assessments.....	\$ _____
Rents, interest and dividends on stocks and bonds.....	_____
All other sources, viz.....	_____
Total amount received during the year....	_____

II. EXPENDITURES DURING THE YEAR.

Benefits, losses and claims paid.....	\$ _____
Sick benefits paid.....	_____
Salaries and other compensation of officers and for clerical force.....	_____
Paid for rent.....	_____
Paid for office expenses, lodge supplies, organiza- tion of lodges or branches; of building up the same, printing, advertising and all other ex- penditures	_____
Total amount of expenditures during the year	_____

III. ASSETS.

Bonds and stocks.....	\$	_____
Loans on mortgages, evidenced by notes and otherwise.....		_____
Loans on other collateral and security.....		_____
Real estate.....		_____
Cash in bank.....		_____
Securities deposited in different states, if any.....		_____
Total other assets, viz.....		_____
Total assets.....		_____

IV. LIABILITIES.

Losses and claims due and unpaid.....	No. _____	\$	_____
Losses and claims reported but not due..	No. _____		_____
Salaries due and unpaid.....			_____
Due for borrowed money.....			_____
All other liabilities, viz.....			_____
Total liabilities.....			_____

V. EXHIBIT OF MEMBERSHIP.

Membership and amount in force at the end of the year preceding, for which this report is made	No. _____	\$	_____
Give number of members and amount of certi- ficates issued during the year.....	No. _____		_____
Total during the year.....	No. _____		_____
Deduct members and amount of certificates re- tiring by withdrawal or suspension during the year.....	No. _____		_____
Deduct members who have died during the year, and face amount of certificates paid..	No. _____		_____
Total members in good standing Dec. 31, 189—.....	No. _____		_____

SECTION 5. Each such association now doing, or hereafter admitted to do business within this state and not having its principal office within this state, and not being organized under the laws of this state, shall appoint in writing the superintendent of insurance or his successors in office, to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it, which is served on said attorney, shall be of the same legal force and validity as if served upon the association, and that authority shall continue in force so long as any liability remains outstanding in this state. Copies of such certificate, certified by said superintendent of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect

Appointment of
attorney upon
whom process
may be served.

Certified copies
as evidence.

Sufficiency of service.

Notice of service and forwarding of copy of process.

Fee to be paid at time of service.

Record of processes served.

Permit to do business; fee; annual fee thereafter.

Procedure and requirements in formation of association; annual meetings for election of managers or trustees.

as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such association is served upon said superintendent of insurance, he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and he shall, within two days after such service, forward in the same manner, a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the superintendent of insurance, at the time of such service, a fee of two dollars (\$2), which shall be recovered by him as a part of the taxable costs, if he prevails in the suit. Superintendent of insurance shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made, and by whom made.

SECTION 6. Superintendent of insurance of this state shall, upon the application of any association having a right to do business within this state, as provided by this act, issued to such association, a permit in writing, authorizing such association to do business within this state, for which certificate and all proceedings in connection therewith, such association shall pay to said superintendent a fee of twenty-five dollars (\$25). This fee shall be paid annually thereafter when report is filed.

SECTION 7. Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who may desire to form a fraternal beneficiary association, as defined by this act, may make, sign, seal and acknowledge before some officer competent to take the acknowledgment of deeds, a certificate in writing in which shall be stated:

(A) The names and places of residence of applicants.

(B) Proposed corporate name of the association, which shall not too closely resemble the name of any other similar organization.

(C) The object or purpose for which the incorporation is sought, which shall not include more liberal powers than are granted by this act.

(D) Location of the principal office of the corporation.

(E) Number of trustees, directors, or similar officers and their names, who shall manage the concerns of the corporation for the first year, or until the ensuing annual meetings.

Meetings for the election of managers or trustees shall be held annually, and as far as possible during the month of January of each year, according to the regulations of the constitution and laws of the association. When the said certificate has been duly signed and acknowledged by the incorporators thereof, it shall be submitted to the attorney-general for his approval in conformity with this act, and after the said approval shall have been indorsed thereon, shall be

duly recorded in the county in which the home office of the corporation is located, and a certified copy thereof immediately forwarded to the superintendent of insurance with a certified list of officers in charge of the association, with their residences and the location of the home office. In addition to this proof, satisfactory to said superintendent of insurance, shall be furnished by two of the officers of the said association, that at least one hundred subscribers for certificates of membership have been secured in said association, and that there has been deposited to the credit of said association for the payment of death and other claims, and which amount can not be used for expenses, the sum of five thousand dollars, which sum, if advanced by the trustees, officers or directors, may be repaid to them from time to time from the proceeds of an expense fund to be created for this purpose. Associations of this state of similar character to those defined by this act, may by resolution of their present board of managers or trustees, incorporate under this act, as herein provided, and the corporate existence of which shall then and there continue as if such association had been originally incorporated under the same.

Incorporation of similar associations.

SECTION 8. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any association authorized to do business under this act shall not be liable to attachment by a trustee, garnishee, or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder, or of any beneficiary named in a certificate, or any person who may have any rights thereunder.

Benefits not liable to attachment, seizure, etc.

SECTION 9. Any such association organized under the laws of this state, may provide for the meetings of its legislative or governing body in any other state, province or territory, wherein such association shall have subordinate lodges, and all business transacted at such meetings shall be valid, in all respects, as if such meetings were held within this state, and where the laws of any associations provide for the election of its officers by votes to be cast in its subordinate lodges, the votes so cast in its subordinate bodies in any other state, province or territory, shall be valid, as if cast within this state.

Meetings of legislative or governing body, and votes cast in subordinate lodges, outside state.

SECTION 10. Any person, officer, member or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation, in or with reference to any application for membership, or for the purpose of obtaining any money or benefit in any association transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days, or more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a

Penalty for false or fraudulent statement or representation.

sworn statement as to the death or disability of a certificate-holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report of declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by statute of this state in relation to the crime of perjury.

Exclusion of association; proceedings in injunction; reinstatement.

SECTION 11. Any such association refusing or neglecting to make the report as provided in this act shall be excluded from doing business in this state. Said superintendent of insurance must within sixty days after failure to make such report, or in case any such association shall exceed its powers or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the attorney-general, who shall immediately commence an action against such association to enjoin the same from issuing any new business. And no injunction against any such association shall be granted by any court, except on application by the attorney-general at the request of the superintendent of insurance. No association so enjoined shall have authority to continue to do the business of soliciting new members until such report shall be made or overt act or violations complained of shall have been corrected, nor until the costs of such action be paid by it, provided the court shall find that such association was in default as charged, whereupon the superintendent of insurance shall reinstate such association, and not until then shall such association be allowed to secure new members in this state. Any officer, agent or person acting for any association or subordinate body thereof, within the state, while such association shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five dollars or more than one hundred dollars.

Penalty for acting for association so enjoined or prohibited.

Who subject to penalty provided in preceding section.

SECTION 12. Any person who shall act within this state as an officer, agent, or otherwise, for any association, which shall have failed, neglected or refused to comply with, or shall have violated any of the provisions of this act, or shall have failed, or neglected to procure from the superintendent of insurance a proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

Conflicting or inconsistent laws repealed; lodges, orders, societies, etc., to which act is applicable.

SECTION 13. All laws or parts of law in conflict with or inconsistent with this act are and the same are hereby repealed, and nothing in this act shall be held to affect or apply to grand or subordinate lodges of Masons, Knights of Pythias, Odd Fellows or similar orders that do not have as their principal object the issuance of insurance certificates of membership. Nor shall anything therein contained apply to lodges or orders of a purely religious, charitable or

benevolent description, paying exclusively sick, funeral or death benefits to members, their families, or dependents, and not operating with a view to profit, nor shall any such organization be required to make any report under this or any other section of the insurance laws, and provided further, that no society, lodge or body of any secret or fraternal society or association of employes of any particular trade, firm or corporation paying only sick benefits not exceeding two hundred and fifty dollars (\$250) in the aggregate to any person in any one year, or a funeral benefit to those dependent on a member not exceeding three hundred and fifty dollars (\$350), shall be required to make any report thereof under this article, or under other article of the insurance laws.

SECTION 14. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

249G

[Senate Bill No. 376.]

AN ACT

To create a sinking fund to pay bonded indebtedness in certain school districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of creating a sinking fund for the gradual extinguishment of the bonded indebtedness of city school districts of the first class, the board of education of such districts shall annually and not later than the first day of January, of each year set aside from its revenue, until payment of the bonded indebtedness be fully provided for, a sum not less than one-twentieth of the total bonded indebtedness, outstanding at said first day of January. The sum so set aside shall be deposited in the treasury and applied by order of the board of education to extinguishment of the bonded indebtedness and to no other purpose.

Sinking fund
for extinguish-
ment of bonded
indebtedness of
city school dis-
tricts of the first
class.

SECTION 2. The board of education shall invest all moneys set aside for sinking fund purposes in bonds of the United States, state of Ohio, city of Cincinnati, city of Toledo, city of Columbus, or in bonds of its own issue.

Investment of
money set aside
for such fund.

SECTION 3. All interest received from such investments shall be deposited in the treasury to the credit of the sinking fund, and reinvested in like manner. At no time shall there be over one thousand dollars kept on deposit if investment can be made without jeopardizing the prompt redemption of bonds falling due.

Interest from
investments;
restriction on
amount to be
kept on deposit.

[Senate Bill No. 355.]

AN ACT

To amend section 1297 of the Revised Statutes.

Salaries of
county officers:Salary of pros-
ecuting attor-
ney.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1297 of the Revised Statutes be amended so as to read as follows:

SEC. 1297. The prosecuting attorney shall receive an annual salary not exceeding the sums herein named, to be fixed by the commissioners of the county, to wit: In Hamilton and Cuyahoga counties thirty-five hundred dollars. In the counties of Lucas and Franklin two thousand dollars. In Montgomery county fifteen hundred dollars. In each county containing less than twenty thousand inhabitants by the last federal census, four hundred dollars; and in each other county two dollars for each one hundred inhabitants such county contained at the next preceding federal census, to be paid at such times and in such instalments as the county commissioners may direct.

Repeals.

SECTION 2. Said original section 1297 is hereby repealed.

Taking effect.

SECTION 3. This act shall take effect and be in force from and after the first Monday in January, A. D. 1897.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

246G

[Senate Bill No. 361.]

AN ACT

To amend sections 4095, 4096 and 4100 of the Revised Statutes of Ohio.

Cincinnati uni-
versity.Acceptance of
educational
trusts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4095, 4096 and 4100 be amended to read as follows:

SEC. 4095. The board of directors of the university of the city of Cincinnati in the name and behalf of the city, may accept and take any property or funds heretofore or hereafter given to the city for the purposes of founding, maintaining, or aiding a university, college or other institution for the promotion of free education, and upon such terms, conditions, and trusts, not inconsistent with law, as the said board of directors may deem expedient and proper for that end.

Further accept-
ance of trusts;
application of
funds.

SEC. 4096. For the further endowment, maintenance, and aid of any university, college, or institution for the promotion of free education, heretofore or hereafter so founded

in said city, the board of directors of the university thereof may, in the name and in behalf of the city, accept and take as trustee, and in trust for the purpose aforesaid, any estate, property, or funds, which have been or may be lawfully transferred to the city for such use, by any person or body corporate having the same, or any annuity or endowment in the nature of income which may be covenanted or pledged to the city toward such use by any person or body corporate; and any person or body corporate having and holding any estate, property, or funds, in trust or applicable for the promotion of education, or the advancement of any of the arts or sciences, may convey, assign, transfer, and deliver over the same to said city as trustee in his or its place, or covenant or pledge its income, or any part thereof, to the same; and such estate, property, funds, or income shall be held and applied by such city in trust for the further endowment or maintenance of such university, college, or institution, in accordance, nevertheless, with the terms and true intent of any trust or condition upon which the same was originally given or held.

SEC. 4100. The citizens of said city whose children, wards, or apprentices are admitted to such institution, shall not be charged for such admission into the academic department; and no charge shall be made for the instruction of such pupils in the academic department. The board of directors of such university may charge fees to students in other departments, and shall have power in its discretion from time to time to make the university free in any or all of its departments to citizens of Hamilton county, Ohio.

Free or paid admission.

SECTION 2. That said original sections 4095, 4096 and 4100 of the Revised Statutes of Ohio, be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 27, 1896.

247G

[Senate Bill No. 364.]

AN ACT

To amend section 2100c of the Revised Statutes relating to the government of cities of the second grade of the first class as passed April 13, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2100c of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Workhouses:

SEC. 2100c. Every person who, after having been convicted, sentenced and imprisoned, in any workhouse for an offense committed heretofore or hereafter in this state in

Cumulative sentence.

Annual appro-
priation for
enforcement.

Prosecution of
offenders.

Repeals, etc.

or keeper thereof, the place wherein such intoxicating liquor shall have been sold or given away shall be, by order of the court wherein such conviction is made, within ten days thereafter, shut up and abated as a nuisance; and the board of county commissioners of such county, shall appropriate from the funds of said county annually, a sum not to exceed fifteen hundred dollars, nor less than one thousand dollars, to be placed by them in the hands of the police directors of any city, if there be any, within the limits of said county in which said home, retreat, or asylum for disabled volunteer soldiers, or soldiers or sailors may be located, for the purpose of enforcing said section 6946a and for all services in state cases within the four mile jurisdiction, of the police court outside of such city. And it is hereby made the duty of the prosecuting attorney of the county in which any such institution is or may be located, to prosecute all offenders against the provisions of this act.

SECTION 2. That said supplementary section 6946a of the Revised Statutes, passed April 12, 1888, and amended April 12, 1892, as amended April 6, 1893, be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

353G

[Senate Bill No. 394.]

AN ACT

To authorize the settlement of certain suits against the state, on behalf of J. W. and F. M. Stoker, Chester Birt and William Thomas, and repealing an act herein named.

Settlement of
certain suits
against state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the attorney-general be, and he is hereby authorized to settle certain suits now pending against the state in the court of common pleas of Auglaize county, Ohio, namely: The suit on behalf of J. W. and F. M. Stoker, who are the owners of the west part of the west half of the northeast quarter of section seventeen (17), township six (6) south, range four (4) east, said county, containing about forty-five (45) acres, for the sum of fourteen hundred dollars (\$1,400); the suit of Chester Birt, who is the owner of the northeast quarter of the southwest quarter of said section, for the sum of nine hundred dollars (\$900); and the suit of William Thomas, who is the owner of the west half of the southwest quarter of said section, for the sum of thirteen hundred dollars (\$1,300). The acceptance by said parties of said settlements, and the amounts herein specified, shall be in

Effect of accept-
ance.

full payment of all damages heretofore or hereafter sustained by said parties to said respective lands, by reason of the overflow of the Mercer county reservoir and shall vest in the state of Ohio a perpetual easement for overflow purposes in maintaining the Mercer county reservoir.

SECTION 2. There is hereby appropriated out of money not otherwise appropriated to the credit of the general revenue fund, for the payment of said owners, the following sums: To said J. W. and F. M. Stoker, the sum of \$1,400; to said Chester Birt, the sum of \$900; to said William Thomas, the sum of \$1,300. The auditor of state is hereby authorized and directed, on the approval of the attorney-general, to issue his warrant on the treasurer of state to said respective owners for said respective sums payable out of said fund. And said treasurer of state is hereby authorized to pay the amount of said warrants to said respective parties. And that the attorney-general shall prepare proper releases and conveyances to carry into effect the foregoing provisions. And the said parties shall duly execute and deliver said releases and conveyances to the state of Ohio as a condition precedent to receiving the aforesaid amounts.

Appropriations.

Releases and conveyances.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

254G

[Senate Bill No. 398.]

AN ACT

To repeal an act passed May 11, 1886 (83, O. L., 136), entitled "An act to establish workshops for the blind" and providing for the disposition of the property heretofore acquired thereunder.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to establish workshops for the blind" (83 O. L. 136) be and hereby is repealed.

Act establishing working home for blind repealed.

SECTION 2. That the governor is hereby authorized to deed all the real estate now in possession of the trustees of the working home for the blind, or any real estate of said state having been acquired under said act to the school board or trustees of the special school district of Iberia, Morrow county, Ohio. And that the governor be further authorized to sell at private or public sale any personal property heretofore held or in possession of the said trustees, and that the proceeds of such sale shall be covered into the state treasury to the credit of the general revenue fund.

Disposition of real estate and personal property, and proceeds of sale.

Disposition of
balance of ap-
propriation.

SECTION 3. That the remainder of such sum of three thousand dollars (\$3,000) heretofore appropriated to and for the use of the trustees of such institution at this session, after paying the salaries and current expenses to the date of the abandonment, and repeal of this act, be and the same is hereby reappropriated and transferred to a special fund subject to the draft of the clerk of the board of state charities to be paid on vouchers approved by the governor and auditor of state, and to be used exclusively for the purpose of maintaining such inmates of said abandoned institution as have no present home and no means of support, until homes, or other suitable disposition of them, can be secured.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

255G

[Senate Bill No. 356.]

AN ACT

To regulate the transportation of bicycles.

Bicycle as bag-
gage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter for the purposes herein specified, bicycles are declared to be baggage, and shall be transported as baggage for passengers, by all railroad companies operating in this state, and be subject to the same charges and liabilities, as other baggage and no passenger shall be required to crate, cover, or otherwise protect any such bicycle; provided, however, that a railroad corporation shall not be required to transport under the provisions of this act, more than one bicycle for a single person.

SECTION 2. This act shall take effect upon its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

256G

[Senate Bill No. 401.]

AN ACT

Making appropriation for expenses of legislative committees, and contingent expenses of the senate and house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums for the purposes hereinafter specified are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

Appropriations
for expenses
general assem-
bly.

For the expense of legislative committees, \$2,000.

For the contingent expenses of the senate, \$1,000.

For the contingent expenses of the house, \$1,800.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

258G

[House Bill No. 420.]

AN ACT

Providing for the payment to Gilman B. Thrift a balance due him for services as fish and game warden for the Lewistown reservoir.

WHEREAS, Gilman B. Thrift was on February 20, 1891, duly appointed and commissioned fish and game warden for the Lewistown reservoir for two years, that on June 20, 1892, said office was declared vacant, said Gilman B. Thrift serving as such fish and game warden for sixteen months, and

Preamble.

WHEREAS, There is yet due said Gilman B. Thrift for such services the sum of seventy-seven dollars and fifty cents (\$77.50) whose claim has for some reason been heretofore overlooked; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seventy-seven dollars and fifty cents (\$77.50) for the purpose of paying Gilman B. Thrift the balance due him for services as fish and game warden for the Lewistown reservoir from February 20, 1891, to June 20, 1892.

Appropriation
for Gilman B.
Thrift.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

259G

[House Bill No. 424.]

AN ACT

To provide for the refunding of taxes paid under the provisions of an act entitled "An act to impose a direct-inheritance tax," passed April 20, 1894.

Preamble.

WHEREAS, On the 20th day of April, 1894, the general assembly of the state of Ohio, passed an act entitled "An act to impose a direct-inheritance tax," and

WHEREAS, Divers executors, administrators, trustees and other persons charged with the payment of said direct-inheritance tax, paid into the county treasuries of the several counties of the state of Ohio, the tax required to be paid by said act; and

WHEREAS, The supreme court of the state of Ohio, on the 27th day of June, 1895, by its decision, declared the said act imposing the said direct-inheritance tax unconstitutional; therefore,

Refunding of state's portion of direct-inheritance tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby required to draw his warrant on the state treasurer, in favor of any executor, administrator, or other persons designated by said act, who paid into the county treasury of any county of this state, said direct-inheritance tax, for seventy-five per cent. of the amount paid by said executors, administrators, trustees or other persons designated by said act. The same to be paid out of the general revenue fund; provided, however, that the said auditor of state shall not be required to draw his warrant to refund said tax until he is satisfied by the certificate of the county auditor of the county where said tax was paid, that the person or persons applying to have said tax refunded, have paid the same and in what capacity the same was paid. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, sufficient money to carry out the provisions of section one of this act.

Appropriation for purpose.

Refunding of county's portion of such tax.

SECTION 2. That the county auditors of the several counties in the state of Ohio, in which said tax has been paid by any executor, administrator, trustee or other persons designated by said act, shall on the application of any executor, administrator, trustee or other persons who have

paid said tax, and being satisfied that the same was paid, shall issue his warrant on the county treasurer, in favor of any person or persons designated in said act, who paid said tax, for twenty-five per cent. of the tax so paid. The same to be paid out of the county expense fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

260G

[House Bill No. 434.]

AN ACT

To provide for proceedings in aid of execution before justices of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a judgment creditor, his agent or attorney, makes oath in writing before the justice of the peace, who rendered the judgment, or before his successor, that the affiant has good reason to believe, and does believe, that any person, partnership or corporation, naming the same, is liable to the judgment debtor in any sum of money, whether then due or not, and that said money is not exempt from execution or attachment under the laws of the state of Ohio, the justice shall order such person, partnership or corporation, to appear before him at his office at a time and place specified in such order, not less than five nor more than fifteen days from the date thereof, and answer under oath respecting such liability; and he may also subpoena witnesses to testify concerning the same.

When justice shall order person, partnership or corporation to appear and answer respecting liability to judgment debtor; witnesses.

SECTION 2. The order shall be signed by the justice, and shall be served and returned like a summons, but the exact time of the service shall be stated in return, and the person, partnership or corporation, against whom it is issued, from the time of the service thereof, shall be liable to the judgment creditor for whatever he was then liable for to the judgment debtor, not exempt by law from execution, whether then due or not but so far only as may be necessary to satisfy the judgment, including the costs of these proceedings; provided that the judgment debtor if found within the county shall be served with notice in writing at least three days before the hearing provided for in the foregoing section, which notice shall then be served like a summons.

Signing, service and return of order; liability to judgment creditor.

Notice to judgment debtor.

SECTION 3. If the person, partnership or corporation, against whom such order is issued, appear and answer, he shall be examined under oath touching the money for which he is liable as aforesaid, and the justice shall hear any

Examination; evidence; failure to appear or refusal to answer.

proper evidence respecting the same. If he fail to appear, and it be shown that the order was served not less than five days before the time of appearance specified therein; or if he appear and refuse to answer any proper question, and in either case no good cause be shown for such failure or refusal, the justice may proceed as if he had admitted money to be in his hands sufficient to satisfy such judgment and costs.

Order for payment to judgment creditor.

SECTION 4. If it appear by the admission or examination of the person, partnership or corporation against whom the proceedings are pending, or by other evidence, that such person, partnership or corporation is liable for any money to the judgment debtor, whether sufficient to satisfy the judgment or not, the justice shall order such person, partnership or corporation, to pay the same to the judgment creditor to be applied first to the costs of the proceedings and the balance to the discharge of the judgment; but if it be shown that such sum of money is not yet due and payable, the order shall be for the payment thereof, at the time when it shall be due and payable, which time shall be stated in the order; no order shall be for a sum in excess of such judgment and costs.

Action and judgment on failure to comply with preceding order.

SECTION 5. If the justice shall make an order, pursuant to the preceding section, directing the payment of money by the person, partnership or corporation, against whom the aforesaid proceedings are instituted, and if such person, partnership or corporation fail to comply with said order, the judgment creditor may proceed against such person, partnership or corporation by civil action; and thereupon such proceedings may be had as in other civil actions, and judgment may be rendered in favor of the judgment creditor for what shall appear to be owing the judgment debtor by such person, partnership or corporation not exceeding the amount of such order and the costs of the proceedings against such person, partnership or corporation. An appeal shall lie from such proceedings to the common pleas court in like cases and manner as from other judgments of the justices of the peace. For the services provided for in the foregoing section, justices of the peace and constables shall receive such fees as are provided by law for like services; and the person, partnership or corporation, so served with notice to appear, shall be entitled to demand and receive fees as other witnesses in civil cases.

Appeal.

Fees of justice and constable.

Right to demand and receive fees.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

261G

[House Bill No. 478.]

AN ACT

To appropriate funds to complete the improvement of widening, deepening and straightening the Miami river in Logan county, from a point in said river situated about three miles southerly from the outlet at the bulkhead of the Lewistown reservoir, known as station No. 139, as shown on survey maps and profiles on file in the office of the board of public works, to station No. 310 of said survey, and also to remove drifts and bars from said Miami river below said station No. 310 for a distance of $3\frac{1}{2}$ miles, to what is known as Long's dam.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That eight thousand dollars, or so much thereof as may be necessary, be appropriated for the special use of the board of public works to complete the improvement of widening, deepening and straightening the Miami river in Logan county, from a point in said river situated about three miles southerly from the outlet at the bulkhead of the Lewistown reservoir, known as station No. 139, as shown on survey maps and profiles on file in the office of the board of public works, to station No. 310 of said survey, and also to remove drifts and bars from said Miami river below said station No. 310 for a distance of $3\frac{1}{2}$ miles, to what is known as Long's dam, in said Logan county, the funds herein provided for shall be paid from any moneys in the treasury not otherwise appropriated.

Appropriation
to complete im-
provement of
Miami river.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

262G

[House Bill No. 481.]

AN ACT

Supplementary to chapter 1, title 14, of the Revised Statutes of Ohio, relating to primary elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2921 of the Revised Statutes with sectional numbering as follows:

Primary
elections:

SEC. 2921a. That in all primary elections held in pursuance of and under the provisions of this chapter, the supervisor of elections or the judges thereof, shall, if requested by any candidate interested in the selection of delegates, permit such candidate or a representative to be selected by such candidate, to be present in the room where the judges are during the time of receiving and counting

Presence of can-
didate or repre-
sentative during
receipt and
count of ballots.

Loitering,
soliciting, ex-
hibiting ballot,
etc., within one
hundred feet of
polls in munici-
pality.

Penalty for
violation.

the ballots; and at all elections held within the boundary of any municipal corporation during the receiving and counting of the ballots, no persons shall congregate or loiter upon the streets, alleys and sidewalks within one hundred feet of the polling place of any election, or within such distance of one hundred feet to give or to tender or exhibit any ballot or ticket to any person other than to a judge of the election, or to exhibit any ticket or ballot which he intends to cast, or within such distance to solicit or in any way to attempt to influence any elector in casting his vote. Any person wilfully refusing or neglecting to perform any of the duties prescribed in this act or any person wilfully violating the provisions thereof shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both, at the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

263G

[House Bill No. 490.]

AN ACT

To amend section 4734 of the Revised Statutes of Ohio.

Public ways:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4734 of the Revised Statutes be amended so as to read as follows:

Post and guide-
boards.

SEC. 4734. The township trustees shall cause to be erected and kept in repair, at the expense of the township, at all intersections of the public ways of the township which lead to any city, town, village, depot or other important place or road, a post and guide-boards, displaying in legible letters, the name and indicating the direction and distance to all such places to which each of said roads leads. Upon the presentation to one of the trustees, of a petition signed by ten freeholders, electors of the township, asking for the erection of a post and guide-boards at any designated intersection of the public ways of such township, and naming the inscription desired thereon, the trustees shall forthwith cause the same to be erected; and failing or neglecting to do so for the period of sixty days, the petitioners may cause the same to be erected and collect the cost thereof, not exceeding five dollars for each post so erected, from the township trustees.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

264G

[House Bill No. 496.]

AN ACT

For the relief of Elizabeth A. Leib, of Fairfield county, Ohio.

WHEREAS, On the fifteenth day of December, 1874, Preamble.
Amos D. Leib, late a member of company F, first Ohio cavalry, and during his life pensioned under certificate No. 439,257, purchased by warranty deed from Wesley Dalzell and wife a tract of land in Fairfield county, Ohio, and bounded and described as follows, to wit: Situated near the new reservoir of the Ohio canal, Fairfield county, Ohio, and known as "Leib's island," beginning at a point on the south side of said island, situated south 72 degrees west 431 feet from the center line of the bridge crossing the canal, and 30 feet from the high water line of the north bank of the canal; thence running north 72 degrees east parallel with the canal 871 feet to a point; thence north 47 degrees 50 minutes west 408 feet to a point; thence north 17 degrees 2 minutes east 502.5 feet to a point; thence north 55 degrees 14 minutes east 220.5 feet to a point; thence north 22 degrees 12 minutes west 108 feet to a point; thence north 84 degrees 4 minutes west 288.5 feet to a point; thence south 12 degrees 56 minutes east 90 feet to a point; thence north 86 degrees 34 minutes west 194 feet to a point; thence north 16 degrees 8 minutes west 100 feet to a point; thence north 67 degrees 59 minutes west 91 feet to a point; thence south 76 degrees 13 minutes west 385 feet to a point; thence south 63 degrees 48 minutes west 795 feet to a point; thence north 81 degrees 52 minutes west 186 feet to a point; thence south 50 degrees 17 minutes west 78 feet to a point; thence south 3 degrees 42 minutes west 83 feet to a point; thence south 28 degrees 46 minutes east 236 feet to a point; thence south 14 degrees 49 minutes east 211 feet to a point; thence south 52 degrees 29 minutes east 448 feet to a point; thence south 83 degrees 19 minutes east 352.5 feet to a point; thence north 65 degrees 7 minutes east 72.5 feet to a point; thence south 66 degrees 27 minutes east 187 feet to the point of beginning, containing 36.47 acres, paying for said property at the time of the purchase thereof in cash the sum of two thousand one hundred dollars and other considerations; and

WHEREAS, The said Amos D. Leib and his wife, Elizabeth A. Leib, from the said fifteenth day of December, 1874, up to the death of said Amos D. Leib, which occurred about 4 years ago, and said Elizabeth A. Leib since the death of her husband, has lived upon and occupied said property and made valuable and lasting improvements thereon to the value of not less than three thousand dollars; and

WHEREAS, Said property at the time of said purchase was not worth to exceed the amount paid therefor, as hereinbefore stated; and

WHEREAS, The said Amos D. Leib died on the fourteenth day of December, 1892, leaving said land and the appurtenances under the [terms] of his will to Elizabeth A. Leib, his widow; and

WHEREAS, Since the date of the death of said Amos D. Leib, the state of Ohio claims some interest in said property and seeks to obtain possession of a part or all thereof; therefore,

Release and
quit-claim to
Elizabeth A.
Leib.

Non-liability for
overflow.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said state hereby releases all right, title and interest in and to said property to the said Elizabeth A. Leib, and the governor of said state is hereby authorized to quit-claim unto said Elizabeth A. Leib all right, title and interest that said state of Ohio may hold or be entitled to in and to the premises hereinbefore described, and the state shall not be liable for any damages by reason of overflow of water from the reservoir.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

265G

[House Bill No. 508.]

AN ACT

To provide for the abandonment of the Walhonding canal.

Abandonment
of portion of
Walhonding
canal and adja-
cent basins or
reservoirs; sale
of rights, ma-
terials, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the use for canal purposes of so much of the Walhonding canal as lies west and north of lock No. 5 in Coshocton county, state of Ohio, together with any basins or reservoirs adjacent to said abandoned portion is hereby abandoned as hereinafter provided for, and all right, title and interest of the state in any land heretofore used as such canal or to any land near or adjacent thereto, together with all timbers, stone or other material belonging thereto, shall be appraised, advertised and sold as hereinafter pro-

vided. But the state board of public works shall have full power to reserve for the use of the other canals, any timbers, stone or other material which can be economically transported from said abandoned canal or said property, to the other canals on which it is desired to so use the said materials.

Reservation as to materials.

SECTION 2. That upon the passage of this act, the board of public works and canal commission of the state of Ohio, acting jointly may at their option make an appraisalment of all of the aforesaid abandoned property in divisions or sections of such length or amounts and appraise separately and as a whole, as in their opinion will best suit the convenience of purchasers and facilitate the sale thereof, to the best advantage and for the highest price for the state. They shall make a complete report in writing in which they shall itemize each division and as a whole with its value as appraised by them, which shall be returned to the auditor of state within thirty days from the date of said appraisalment.

Appraisalment of abandoned property and report thereof.

SECTION 3. The auditor of state shall receive and file the said appraisalment, and the said joint board shall forthwith proceed to advertise the aforesaid abandoned canal property for sale by giving notice of the time, place and terms thereof for three consecutive months in two newspapers of opposite politics published and having a general circulation in said county; and upon the day and hour named in such advertisement said joint board shall offer the same for sale at public auction at the court-house in Coshocton county, and then and there sell the same to the highest and best bidder or bidders; provided the same or any part thereof shall not be sold for less than three-fourths of the appraised value thereof, and that if all or any part of said property remains unsold for want of bidder the joint board shall again advertise and sell the claim as aforesaid. And if any of said property remains unsold after having been twice offered for sale the same shall be appraised agreeably to section 2 of this act, and again offered for sale as above provided, the state reserving the right to reject any or all bids.

Receipt and filing of appraisalment; notice, manner and terms of sale, etc.

SECTION 4. The county commissioners of Coshocton county are hereby granted the right to remove all existing bridges crossing said abandoned portion of said canal over which county roads pass, and to grade and construct such county roads across the channel of said abandoned portion by necessary fills and grades in the channel thereof, and are authorized to drain the water of said abandoned portion and to prevent the water from the river from flowing into or through said abandoned part of said canal, but reserving all rights of the state of Ohio across said roadways for any and all purposes said state or its grantees may hereafter desire to use said roadways.

Removal of bridges, construction of roads, drainage, etc.

Reservation as to roadways.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

266G

[House Bill No. 515.]

AN ACT

Conferring upon the council of any incorporated village in the state of Ohio, owning and operating in connection with its waterworks, an electric light plant for commercial or street lighting, or both, the power to place the management, conduct, control and operation of said electric light plant in the hands of waterworks trustees.

Control of village electric light plant by waterworks trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in the state of Ohio owning and operating an electric light plant for commercial or street lighting in connection with waterworks may by ordinance place the care and control of such electric light plant in the hands of the waterworks trustees of such village; and the acts of such waterworks trustees within the limits of the ordinance giving them such control shall be binding upon all parties concerned.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

267G

[House Bill No. 520.]

AN ACT

To supplement section 936, Revised Statutes of Ohio, with sectional numbering 936 "a."

District children's home:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 936, Revised Statutes of Ohio, be supplemented with sectional numbering 936 "a" so as to read as follows:

Acceptance and use of bequest for home.

SEC. 936a. When any person has heretofore by his or her last will and testament bequeathed, or shall hereafter bequeath his or her estate, or any part thereof, to the use and benefit of any district children's home organized under

the provisions of section 936, Revised Statutes of Ohio, the trustees of any such children's home may accept and use such bequest in such manner as they may deem for the best interests of the institution, consistent with the provisions and conditions of the last will and testament of the donor of any such bequest.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

268G

[House Bill No. 536.]

AN ACT

To amend section 3049 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3049 of the Revised Statutes be amended so as to read as follows: Militia:

SEC. 3049. An officer may be honorably discharged by the commander-in-chief upon tender of resignation, upon the disbandment of the organization to which he belongs, or if a staff officer, on the written request of the officer appointing him, or upon the qualification of his appointed successor; and any commissioned officer who shall have served as a member of the Ohio national guard for the period of ten years, five years of which shall have been as a commissioned officer, may upon his own request or upon his honorable discharge from the service of the state, be placed upon the retired list, to be hereafter kept in the office of the adjutant-general. Officers so retired shall receive no compensation, but are permitted to wear the uniform of their grade upon all public occasions. Honorable discharge or retirement of officers.

SECTION 2. That original section 3049 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

269G

[House Bill No. 553.]

AN ACT

To supplement section 6968 of the Revised Statutes of the State of Ohio, and make further provisions for the protection and preservation of fish in the waters of Lake Erie, its bays and estuaries.

Offenses against public policy : SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6968 of the Revised Statutes of Ohio, as amended February 17, 1892, be supplemented by sections 6968—1, 6968—2, 6968—3, 6968—4 and 6968—5.

Use of nets or seines in Lake Erie, its bays and estuaries.

Pound or trap-net.

Channel or passage.

Gill-net.

Reef.

Pier, break-water, embankment, dam, bridge, bay or river.

Semi-annual statements of person or firm using nets.

SEC. 6968—1. No person shall draw, set, place, locate or maintain any pound-net, seine, gill-net, trap or fish-net whatever, in the waters of Lake Erie between the 15th day of December and the 15th day of March; nor in Sandusky bay, nor in Maumee bay as far up as Maumee bridge, nor in Portage bay as far up as Oak harbor bridge, nor in any other bay or estuary bordering upon or flowing into Lake Erie between the 15th day of May and the 15th day of September, and between the 15th day of December and the 15th day of March. No person shall set, place, locate or maintain any pound or trap-net in Lake Erie at a greater distance than eight miles from the shore of mainland. No person shall set, place, locate or maintain any pound or trap-net in such waters at a greater distance than four miles from the shore of any island, provided, however, that no person shall set, place, locate or maintain any fish-nets in any channel or passage lying between any island and any other island, or any island and the mainland, a greater distance from the shore of such island or mainland than one-fourth of the distance across such channel or passage lying between any islands or any island and the mainland, at a place where such nets crossing such channel or passage are located. No person shall set, place, locate or maintain any gill-net or catch fish with a gill-net in any waters of lake Erie [except] where the water is fifty feet deep or over. No person shall set, place, locate or maintain any fish-nets on any of the reefs of lake Erie. No person shall set, place, locate or maintain any net whatever within a radius of one-half mile from any pier or break-water built and maintained by the United States government at the mouth of any river or creek flowing into lake Erie, nor within one-half mile of any embankment, dam or bridge in any bay or river connected with or flowing into lake Erie, nor more than one-third the distance across any bay or river whose waters flow into lake Erie. Each and every person or firm engaged in taking fish with nets in waters mentioned in this section, shall on the 15th day of June and the 15th day of December of each year, file a certified statement with the commissioners of fish and game showing the varieties or species of fish caught, and the amount in weight of each kind or specie so caught or taken; and such statement shall.

show the number and kind of nets used, the number of vessels or boats used, and the number of men employed during the preceding six months or half-year.

SEC. 6968—2. Any person violating any of the provisions of section sixty-nine hundred and sixty-eight—1 of this act shall be guilty of misdemeanor and upon conviction shall be fined for the first offense not less than twenty-five dollars nor more than one hundred dollars, and in case of neglect or refusal to pay said fine be imprisoned in the county jail or workhouse until said fine and costs are fully paid; and for the second and any subsequent violation of this act, shall be fined not less than fifty dollars, nor more than five hundred dollars, and in default of payment of fine and costs shall be imprisoned in the county jail or workhouse until said fine and costs are paid; and all fines collected under this act shall go to the county fish and game fund in the county wherein the offense was committed, unless otherwise directed and ordered by the fish and game commissioners of this state. No person shall draw, set, place, locate or maintain any fish-net, trap, pound-net, seine, gill-nets or any device for catching fish as is by law forbidden; and any nets, seines, pound-nets, gill-nets or other devices for catching fish, set, placed, located or maintained in violation of the provisions of the laws of the state, shall be taken wherever found by the fish wardens or other proper officer; and all such nets and other devices for catching fish are hereby declared a public nuisance and shall be forfeited to the state. It shall be the duty of any warden, deputy warden, inspector of fish, sheriff, constable, special warden or other officer having jurisdiction forthwith to take up such nets, devices and articles hereby declared a public nuisance, when found or taken in unlawful use and hold the same until disposed of according to law. In any prosecution for the illegal use of said nets, devices and fishing appliances, the court shall upon conviction, adjudge, in addition to the fine and costs by law imposed, the forfeiture of such nets, fishing devices and articles and issue an order directed to the officer or officers having such nets, fishing devices or articles in his or their possession commanding the same to be sold in such manner and form as such court may direct. The proceeds from such sale, after deducting the costs, shall be placed to the credit of the fish and game fund of the county and subject to the order of the commissioners of fish and game, and the court shall fix a reasonable compensation for any work done or expenses incurred in taking up and holding such nets to be allowed to the officers taking such nets in addition to the fees allowed him by law. In all cases where the owner or person operating such nets, fishing devices and other articles hereby declared a public nuisance, is a non-resident of this state or is unknown, or if such owner or person can not be found or apprehended in the county where such nets, fishing devices, and other articles are taken by the officer, then, and in that

Penalty for violating provision of preceding section.

Disposition of fines.

Use of devices in violation prohibited; seizure, forfeiture and sale of such devices.

Disposition of proceeds from sale.

Additional compensation of officers.

Procedure where owner or operator non-resident unknown, or can not be found or apprehended; costs.

case, such warden, deputy warden, or other officer having jurisdiction herein, and who has taken such nets, devices and other articles, shall file an affidavit in any court having jurisdiction over violations of this act, which affidavit shall set forth the seizure of said nets, fishing devices and other articles, and the grounds of such seizure, and describe the same, and state the name of the supposed owner or person operating them, and that he can not be found or apprehended within the county, or that he is a non-resident of the state, or is unknown. Upon the filing of such affidavit, notice of the same shall be given to such owner or person by one publication in a newspaper printed in the county where such affidavit is filed, or if there is no newspaper printed in the county, then in a newspaper printed in the state, and of general circulation in such county; and such notice shall contain a brief statement of the object of the proceedings provided for in this act, mention the court wherein the affidavit is filed, and notify the owner or person operating such nets, fishing devices and other articles that unless they appear and make defense within ten days from the date of such publication, such nets, fishing devices and other articles will be ordered sold by the court, and the proceeds disposed of according to law. And when proof is made that such notice has been given by publication, the court shall proceed to hear the evidence, and if satisfied that such nets, fishing devices and other articles were being used or operated in violation of this act, such court shall declare the same a public nuisance, and order them sold in the same manner as heretofore provided in prosecutions for the illegal use of the same. And when any sale is made under the provisions of this act, all the costs of the proceeding, including the cost of publication, shall be first paid out of the proceeds of such sale, if the same be sufficient therefor. And it is hereby made the duty of the wardens and assistant wardens of this state to prosecute all violations of this act in connection with the prosecuting attorney of the county wherein such offense shall have been committed, and such prosecuting attorney shall be entitled to the same fees as are now allowed by law for the collection of forfeited bonds. And for the purpose of providing for and establishing and maintaining fish hatcheries and necessary expenses incident thereto, and for the purpose of exercising the police duties of the fish and game wardens in the enforcement of the provisions of the laws enacted for the protection and preservation of fish in the waters of this state, each and every person, corporation or firm, engaged in taking fish with nets in the waters mentioned in section 6968—1, upon the filing of the certified statement provided for in said section, shall pay to the auditor of state, the sum of twenty-five cents per ton, of 2,000 pounds, for and upon each and every ton of fish so caught. The auditor of state shall cover the same into the state treasury, as a special fund for the purpose herein named; and said fund shall be subject to the order of the

Who to prosecute; fees of prosecuting attorney.

Tax on net-fishing; objects and disposition of fund thus established.

commissioners of fish and game. And any person, corporation or firm neglecting to file such certified statement or failing and neglecting to pay the amount herein provided for to the auditor of state, shall forfeit and pay to the state of Ohio, the sum of \$500 for such neglect and failure, and such sum may be recovered, in any court of competent jurisdiction in an action brought by the auditor of state.

Penalty for failure to file statement or pay tax.

SEC. 6968—3. No person shall have in his possession fish caught in the waters mentioned in section 6968—1 of this act of a length less than the following, unless caught by hook and line: Saugers and blue pike, nine inches; pickerel, eleven inches; black bass, twelve inches; grass pike, eighteen inches; white fish, fifteen inches; herring, ten inches; cat fish, fifteen inches; perch, eight inches and sturgeon three and one-half feet. And all fish caught of a length less than herein prescribed for the respective species or kind shall be released alive immediately, while the nets are being lifted or taken up in such manner as not to injure the fish so released. Provided, however, that the releasing of such undersized fish shall apply only to the varieties of fish herein mentioned, and having in possession or failing to return to the water alive as herein provided by the catcher, a quantity of such undersized fish, not exceeding in weight three per cent. of the day's catch or lift of each variety of fish, the length of which is herein prescribed shall not be deemed a violation of this act. No person shall buy, sell or offer for sale or have in his possession any fish caught out of season or in a manner prohibited. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and in case of neglect or refusal to pay said fine and costs, to be imprisoned in the county jail or workhouse until said fine and costs are paid.

Possession of specialized fish under prescribed length, unless caught with hook and line, prohibited.

Release of undersized.

What not deemed violation.

Purchase, sale or possession of fish unlawfully caught, prohibited; penalty for violation.

SEC. 6968—4. (Constructions and exceptions.)

1st—Channels and passages shall be considered those waters lying between islands and an island and mainland where the waters of the lake are narrowed or obstructed in consequence of the location of the islands therein.

Constructions and exceptions: Channels and passages.

2nd—The word "person" as used in this act shall include all individuals, firms, joint stock companies, corporations and all combinations thereof, and the word "possession" shall include both actual and constructive possession.

Person; possession.

3d—Measurement of fish shall be made from end of nose to center fork of tail.

Measurement.

4th—Nothing in this or any other act shall prevent the taking of minnows for bait with nets, or shall prevent the fish and game commissioners of the state, or their agents, or persons authorized by them, from taking fish at any time or at any place, in any manner, for the purpose of stocking ponds, lakes and rivers and for the maintenance and cultivation of fish in hatcheries. And nothing in this act shall apply to artificial fish ponds, or the catching or taking of

Bait; stocking; hatcheries.

Artificial fish ponds; German carp.

German carp in any of the bays, marshes, estuaries or inlets bordering upon, flowing into, or in any way connected with Lake Erie which may be caught or taken at any time or in any manner.

Evidence of
guilt.

5th—The finding of any nets, fishing devices or other articles set or maintained in violation of any law shall be prima facie evidence of the guilt of the person or persons owning or operating the same.

Rock or land
not considered
island.

6th—No rock or land elevated above the surface of the water of Lake Erie having an area of less than five acres above water shall [not] be considered an island for the purposes of this act.

Inconsistent or
conflicting provisions,
etc.

SECTION 2. That any provisions of law inconsistent or conflicting herewith is hereby declared void as to such inconsistency, but not otherwise, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

270G

[House Bill No. 565.]

AN ACT

To prohibit the transportation within this state of hogs infected with cholera.

Transportation
of cholera-
infected hogs
unlawful.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, it shall be unlawful for any person or persons owning or having charge of any hog or hogs infected with cholera, to transport the same within the borders of this state.

Liability of
violation for dam-
ages; penalty
for violation.

SECTION 2. Any person or persons violating the provisions of this act, shall be liable for all damages resulting from the introduction of such disease thereby, to be recovered by any person so damaged, and shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the jail of the county not exceeding six months, or both.

Common car-
riers or em-
ployes not
affected, etc.

SECTION 3. This act shall not be construed so as to affect common carriers or their employes, and shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

271G

[House Bill No. 571.]

AN ACT

To provide for the payment of the costs and expenses of James R. Kilbourne, contestee in the Merryman et al. and Kilbourne contest for the office of representative of the general assembly from Franklin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid to Jas. R. Kilbourne the sum of five hundred and ninety-four and seventy-eight-one-hundredths (\$594.78) dollars out of the funds in the treasury not otherwise appropriated for the contested election case of Jas. M. Merryman et al. against Jas. R. Kilbourne for representative from Franklin county to the seventy-second general assembly of Ohio; and that the auditor of the state of Ohio is hereby directed to draw his warrant on the treasurer of the state of Ohio in favor of Jas. R. Kilbourne for the said amount.

Appropriation
for Jas. R. Kil-
bourne.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

272G

[House Bill No. 572.]

AN ACT

To provide for the payment of the costs and expenses of Benj. F. Gayman, contestee in the Merryman et al. and Gayman contest to the office of representative of the general assembly from Franklin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid to Benj. F. Gayman the sum of six hundred and seventy-nine and nineteen-one-hundredths dollars out of the funds in the treasury not otherwise appropriated for the purpose of defraying the costs and expenses of Benj. F. Gayman in the contested election case of Jas. M. Merryman et al. against Benj. F. Gayman for representative from Franklin county to the seventy-second general assembly of Ohio, and that the auditor of the state of Ohio is hereby directed to draw his warrant on the treasurer of the state of Ohio in favor of Benjamin F. Gayman for the said amount.

Appropriation
for Benj. F.
Gayman.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

273G

[House Bill No. 573.]

AN ACT

To provide for the payment of the costs and expenses of Chas. Q. Davis, contestee in the Merryman et al. and Davis contest for the office of Representative of the general [assembly] from Franklin county, Ohio.

Appropriation
for Chas. Q.
Davis.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid to Chas. Q. Davis the sum of five hundred forty-four and seventy-nine-one-hundredths dollars out of the funds in the treasury not otherwise appropriated for the purpose of defraying the costs and expenses of Chas. Q. Davis in the contested election case of Jas. M. Merryman et al. against Chas. Q. Davis for representative from Franklin county to the seventy-second general assembly of Ohio, and that the auditor of the state of Ohio is hereby directed to draw his warrant on the treasurer of the state of Ohio in favor of Chas. Q. Davis for the said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

274G

[House Bill No. 577.]

AN ACT

To provide for the payment of the costs and expenses of James M. Merryman in the contested election cases of James M. Merryman against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis, Charles E. Bonebrake against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis, and William H. Wirt against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis, for the office of representative from Franklin county, Ohio.

Appropriation
for James M.
Merryman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid to James M. Merryman the sum of eighteen hundred and fifty-one and ninety-two-one-hundredths (\$1,851.92) dollars out of the funds in the

treasury not otherwise appropriated, for the purpose of defraying the costs and expenses of James M. Merryman in the several contested election cases of James M. Merryman against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis, Charles E. Bonebrake against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis and William H. Wirt against James R. Kilbourne, Benjamin F. Gayman and Charles Q. Davis for representatives from Franklin county to the general assembly of Ohio; and that the auditor of state is hereby directed to draw his warrant on the treasurer of the state of Ohio in favor of James M. Merryman for the said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

275G

[House Bill No. 579.]

AN ACT

To provide for the improvement of the state-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That within thirty days after the passage of this act, the governor, a judge of the supreme court to be selected by the judges thereof, the president of the senate, the speaker of the house of representatives, and the adjutant-general, shall invite architects to the number of not less than ten to submit plans and estimates for such addition or additions to the present state-house, either in the way of an additional story, or by wings, as will provide sufficient accommodations for the departments of the state government, now lacking room in which properly to do the work entrusted to them. Such plans may also include such alterations in the present state-house, in the way of elevators, and proper heating, lighting and ventilating apparatus, as may, in the opinion of the officers named, be deemed desirable.

Invitation for submission of plans and estimates for improvement of state-house; what plans may include.

SECTION 2. The plans and estimates submitted shall be filed with the adjutant-general not later than October 1, 1896, unless the officers named shall see fit to extend the time. The plans so submitted, and any other plans and estimates heretofore prepared for the purpose, shall be laid before the officers named within ten days after the date fixed within which all plans shall be filed; whereupon the officers named, shall make choice of the plans for the improvement of the state-house. Such selection shall be made on or before November 1, 1896. The architect whose plans are selected shall be employed to furnish complete work-

Filing, consideration and selection of plans and estimates; employment and compensation of architect; power of majority.

ing plans and specifications. The compensation to be paid the architect or architects shall be fixed by the officers named. A majority of the officers named shall have power to act in all matters entrusted to them by this act.

Appointment,
duties, powers,
compensation,
etc., of state-
house commis-
sion; chairman
and clerk.

SECTION 3. Within ten days after the selection of the plans for the improvement of the state-house as aforesaid, the governor is authorized and directed to appoint a commission of four citizens of this state, not more than two of whom shall belong to the same political party, who shall constitute the state-house commission, whose duty it shall be to take and exercise general charge and control of the construction of the improvements provided for in this act. Such state-house commission may select one of their number as chairman and may employ a clerk, and the compensation of the commission and of the clerk shall be fixed by the officers named in section one hereof. Full minutes of the proceedings of the state-house committee shall be kept. Such state-house commission shall forthwith advertise, in accordance with the law governing the construction of public buildings, for sealed proposals to construct the improvements to the state-house according to the plans and specifications above provided for, and shall let the contract in accordance with law.

Appropriations;
disbursements.

SECTION 4. For the purpose of carrying into effect the provisions of this act and of making the improvements to the state-house contemplated, the sum of two hundred thousand dollars is hereby appropriated out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, and the further sum of two hundred thousand dollars is hereby appropriated out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated subject to draft on and after February 16, 1897. Such appropriations shall be paid out on warrants issued by the auditor of state, upon requisitions signed by a majority of the state-house commission and approved by the governor.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

276G

[House Bill No. 592.]

AN ACT

For the regulation of the manufacture of flour and meal food products.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no employe shall be required, permitted or suffered to work in a biscuit, bread or cake bakery or confectionary establishment more than sixty hours in one week, or more than ten hours in one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in one week than will average ten hours per day for the whole number of days in which such person shall so work during the week; and the working time shall begin by entering the shop and be concluded ten hours thereafter. No employe in any biscuit, bread or cake bakery shall be discharged by his employer for having made any truthful statement as a witness in a court, or to the factory inspector, in pursuance of this act.

Restrictions on hours of labor of employe in bakery or confectionery.

SECTION 2. The manufactured flour of [or] meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleaned.

Discharge for statement prohibited.

Storage of manufactured products.

SECTION 3. Every such bakery shall be provided with a proper wash-room and water-closet or closets, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth-closet, privy or ash-pit shall be within or communicate directly with the bake-room of any bakery, hotel or public restaurant.

Wash-room, water-closet, earth-closet, privy or ash-pit.

SECTION 4. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper healthful and sanitary condition thereof, and constructed with air-shafts, windows or ventilating-pipes, sufficient to insure ventilation, as a factory inspector or any of his deputies shall direct. No cellar or basement not now used as a bakery, shall be hereafter used and occupied as a bakery, and a cellar heretofore occupied shall, when once closed, not be reopened, unless the proprietor shall have previously complied with the provisions of this act.

Drainage, plumbing and ventilation.

Cellar or basement.

SECTION 5. Every room used for the manufacture of flour or meal food shall be at least nine feet in height. The sidewalls and ceilings of such rooms shall be plastered or wainscoted, and if required by the factory inspector, shall be whitewashed at least once in three months. The furniture and utensils of such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper healthful sanitary condition. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread or cake bakery, or for the storage of flour and meal food products.

Height of room; side-walls and ceilings.

Furniture and utensils.

Domestic animals.

Sleeping places.

SECTION 6. The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored, and the factory inspector or deputy factory inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed in compliance with sanitary principles.

Additional district inspector.

SECTION 7. For the purpose of enforcing this act the chief inspector of workshops and factories shall appoint two additional district inspectors who shall be appointed in the same manner and possess the same qualifications, and whose term of office shall be the same, and on the same conditions, and receive the same compensation as the district inspector authorized by section 2572a including sections two and three and section 2573a—2 Revised Statutes. After the inspection of a bakery has been made and it is found to conform to this act the chief inspector may issue a certificate to the owner or operator of such bakery that it is conducted in compliance with all the provisions of this act; but where orders are issued by the inspector to improve the condition of a bakery no such certificate shall be issued until such order and the provisions of this act shall have been complied with.

Certificate of compliance.

Compliance with notice requiring alterations; form and service of such notice.

SECTION 8. The owner, agent or lessee of any property affected by the provisions of sections 2, 3 or 5 of this act, shall within thirty days after the service of a notice requiring any alterations to be made in or upon such premises, comply therewith, and such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice mailed to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purposes of this act.

Penalty for violation or refusal to comply with requirement of inspector.

SECTION 9. Any person who violates the provisions of this act or refuses to comply with any requirement of the factory inspector or deputy factory inspector, as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty or more than fifty dollars for the first offense, and not less than fifty nor more than one hundred dollars for the second offense, or imprisonment for not more than ten days, and for the third offense by a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment.

Taking effect.

SECTION 10. This act shall take effect thirty days after its passage.

DAVID L. SLEEPER.

Speaker of the House of Representatives.

ASAHEL W. JONES.

President of the Senate.

Passed April 27, 1896.

277G

[House Bill No. 597.]

AN ACT

To supplement section 4497 of the Revised Statutes of Ohio, as amended April 6, 1893 (O. L., v. 90, p. 145.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4497 of the Revised Statutes of Ohio be supplemented so as to read as follows:

SEC. 4497a. Provided, however, that when a ditch needs to be cleaned out, any resident owner of any tract of land which was assessed for the construction may make a sworn statement to the county auditor, in writing, setting forth such necessity. And when said written sworn statement is made within three years from the original construction, or from a material improvement by deepening and widening of said ditch, and as often thereafter as may be necessary to keep said ditch in good repair, said county auditor shall forthwith appoint the county engineer to examine the said ditch, who shall be sworn to go, without [un-] necessary delay, upon the line thereof and make an estimate of the amount of money required therefor and fix the portion thereof that the owner of said tract of land and each corporation, county or township assessed for the construction of the ditch, should be assessed for such cleaning out; and such assessment shall be made according to the benefits; unless the necessity for the cleaning out arose from the act or neglect of some land owner or corporation, in which case said act or neglect shall be considered. Said engineer shall return his estimate and assessment to said auditor in writing who shall appoint a day for hearing the same and direct said engineer to give notice thereof to each owner of land and corporation affected thereby when said auditor may make such changes therein as he may deem right and proper; he shall enter upon a journal to be kept for that purpose the assessments as approved by him and he shall place said assessments upon the duplicate against the land, upon which they are assessed to be collected as other taxes; the work of cleaning the ditch shall be advertised, sold and let, and the contracts therefor performed, as provided in this chapter; the contractor shall be paid, by a warrant of the county auditor upon the county treasurer, out of the assessments so made, and paid upon the certificate of said engineer that he has performed his contract; but if at the presentation of any certificate all the assessments have not been paid, payments shall be made thereon pro rata.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

278G

County ditches:

Cleaning out,
assessments,
payment of con-
tractor, etc.,
when resident
landowner
makes sworn
statement of
necessity.

[House Bill No. 598.]

AN ACT

To compel the introduction of fire-protection on passenger-trains operated within and throughout the state of Ohio.

Equipment of passenger-trains with fire-extinguishers.

Limit as to cost.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person, company or corporation, operating a railroad, or railroads, in whole or in part in this state, shall be required, within one year from the passage of this act, to carry, on every passenger-train operated within and throughout this state, as a part of the equipment of said train, at least one portable chemical fire-extinguisher for the purpose of protecting the lives of its passengers and employes from fire, and that one portable chemical fire-extinguisher shall be added each year thereafter to every train operated until every passenger-coach comprising the train of passenger-cars run on any of the railroads of this state shall be supplied with a portable chemical fire-extinguisher as a part of the equipment of said cars; provided that said extinguishers can be procured at a cost not exceeding fifteen dollars each.

Size, durability, construction, resistance and approval of extinguishers.

SECTION 2. That the said fire-extinguishers shall be of sufficient size, durability, mechanical construction and able to withstand such pressure as will make it an efficient fire-extinguisher, provided that such extinguisher shall first be approved by the commissioner of railroads and telegraphs and such different makes of extinguishers, as shall come within the requirements of this act, shall be approved by him, and his discretion relative to the approval thereof, shall be exercised in such a way as to invite and encourage the most extended competition.

Designation of cars on which extinguishers to be placed, and place and manner of attachment.

Enforcement of provisions.

Penalty for violation.

SECTION 3. It shall be the duty of the commissioner of railroads and telegraphs of this state to designate on which car of every passenger-train the first, and every subsequent extinguisher shall be placed, until each coach of every train shall be fully supplied according to the provisions of this act. It shall be the duty of said commissioner of railroads and telegraphs to determine where, in such coach said extinguisher shall be placed and how attached, but in all cases, it shall be so attached as to be easy of access in case of emergency or necessity. It is hereby made the duty of said commissioner of railroads and telegraphs to see that the provisions of this act are carried into effect. Any person, company or corporation mentioned in section 1 of this act, violating any of the provisions of this act, upon conviction in any court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars, and every day that said above named persons, company or corporation run their trains in violation of the provisions of this act shall be construed to constitute a separate offense.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

279G

[House Bill No. 616.]

AN ACT

To amend section 3794 as amended April 17, 1882, and section 3794a of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3794 as amended April 17, 1882, and section 3794a be so amended as to read as follows:

SEC. 3794. When any charitable or religious society or association desires to sell, exchange or incur by mortgage or otherwise any real estate now or hereafter owned by it, or held in trust by it for any specified religious or charitable purpose, or held for its use or benefit by trustees either chosen by it or otherwise constituted, for any such religious or charitable purpose, except grounds used or occupied as burial-places for the dead, the trustees, wardens and vestry, or other officers intrusted with the management of the affairs of such society or association or holding the title to such property, or such society or association itself, if it be incorporated under any law of this state, may file in the court of common pleas of the county in which such real estate is situated, a petition stating how and by whom the title thereto is held, that such society or association desires to make such sale, exchange or incumbrance, and setting forth the object of the same; and if upon the hearing of such case it appears that such sale, exchange or incumbrance is desired by the members of such society or association and that it is right and proper that authority be given to accomplish the same, the court may authorize the trustees or other officers of such society or association, or if incorporated as aforesaid the society or association itself, to sell, exchange or incur such real estate in accordance with the prayer of the petition and upon such terms as the court shall deem reasonable; and in case the title thereto is held for the use or benefit of such society or association by trustees, all or a majority of whom are not chosen thereby but otherwise constituted, and who refuse upon request of such society or association, or its duly elected trustees, wardens, and vestry or other officers, to file such petition, the court upon the petition of such society or association or its duly elected trustees or other officers aforesaid, may require said trustees holding such title to convey or incur

Religious and other societies:

Sale, exchange or incumbrance of real estate by charitable or religious society or association; petition for purpose.

Authority for same.

Refusal of trustees to petition, etc.

such real estate in accordance with the prayer of the petition and upon such terms as shall be deemed reasonable; provided, that all trustees holding title as aforesaid and refusing to file or join in such petition shall be made defendants therein and be served with summons as in a civil action.

Interconveyance
of property.

SEC. 3794a. The trustees of any church organization, religious or charitable society or association and all persons now or hereafter holding title to any property in trust therefor are hereby authorized and empowered to transfer and convey the same to other trustees of the same denomination or to the trustees of such organization, society or association for which the same is held in trust, or to such organization, society or association itself if incorporated under the law of this state; provided, however, such transfer or conveyance shall be made only when the property so transferred is still to be used for the specified religious, charitable or church purposes, and the same shall be thereafter held in trust by the grantees for such purposes.

Repeals.

SECTION 2. Said original section 3794 as amended April 17, 1882, and section 3794a be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

280G

[House Bill No. 621.]

AN ACT

To amend section 7025 of the Revised Statutes as amended March 30, 1888.

Offenses against
chastity:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7025 Revised Statutes of Ohio, be amended to read as follows:

Penalty for
keeping or let-
ting house of
ill-fame, assign-
ation, etc., or
keeping, harbor-
ing or permit-
ting child to
remain therein;
abatement of
such place as
nuisance.

SEC. 7025. The house, buildings, portions of buildings and places mentioned in this section are public nuisances, and a person who keeps a house or place of ill-fame or assignation, for the purpose of prostitution, or lewdness, or a house or place for persons to visit for unlawful sexual intercourse, or for any other lewd, obscene, or indecent purpose, or a disorderly house, or place, or any place of public resort by which the peace, comfort or decency of a neighborhood is disturbed, or who as agent, or owner lets a place, building, or any portion of a building, knowing that it is intended to be used for any purpose, specified in this section, and whoever being the owner or agent of such building or

any portion of such building, or whoever being the keeper of such houses of ill-fame, prostitution or assignation where lewdness exists shall keep or harbor or employ any child, either male or female, the same being over four and under sixteen years of age or allow the same to remain in or about such place of assignation or house of ill-fame, or who knowingly permits a place, a building or a portion of a building to be so used shall upon conviction thereof be fined not less than one nor more than three hundred dollars or imprisoned in the workhouse or county jail not less than ninety days nor more than six months or both, and the court shall order the nuisance abated.

SECTION 2. That section 7025 of the Revised Statutes is hereby repealed. **Repeals.**

SECTION 3. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

281G

[House Bill No. 641.]

AN ACT

To amend an act entitled "An act to supplement chapter 7, division 2, title 12, of the Revised Statutes," passed March 3, 1892 (89, O. L., 62).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to supplement chapter 7, division 2, title 12 of the Revised Statutes," passed March 3, 1892 (89, O. L., 62), be amended so as to read as follows:

SEC. 1627a. Whenever in counties containing a city of the second grade of the first class, all of the territory in a township is included within the territorial limits of one or more hamlets, or one or more hamlets and one or more villages, the office of township trustee, township treasurer and township clerk in such township, shall be abolished; and all of the powers and duties of trustees of townships conferred or prescribed by law, shall be vested in, and be performed by, the trustees or trustees and councils respectively of said municipality or municipalities within the respective limits thereof; provided nothing herein shall affect the organization of such township for the purpose of electing justices of the peace, constables and assessors therefor, who shall be voted for on the same ticket as the officers of said municipality or municipalities.

SEC. 1627b. The duties of treasurer and clerk of such township shall be performed by the clerk and treasurer of each respective municipality within the respective limits

Merger of township in corporation:

Offices abolished in case of such merger in Cuyahoga county.

In whom powers and duties of trustees to vest.

Election of justices, constables and assessors.

Duties of treasurer and clerk; payments to treasurer.

thereof; and all moneys collected or authorized by law to be paid to the township treasurer shall be paid to the treasurer or treasurers of such municipality or municipalities.

Disposition of
property, mon-
eys, credits, doc-
uments, official
bonds, etc.

SEC. 1627c. All property, real or personal, together with all moneys and credits in the possession or under the control of such township trustees, township clerk or township treasurer, or either of them, whose offices are thus abolished, shall vest respectively in the municipality or municipalities; and where there are two or more such municipalities together coextensive with the township then said real and personal property, together with all moneys and credits of the township shall be divided among said municipalities according to the tax valuation of the property within said municipalities; should, however, said municipalities fail to agree as to the division of said real or personal property of said township, then the probate court of the county within which said township is located shall appoint three disinterested freeholders, residents of said county, but non-residents of said township, to appraise said property at its cash value, and in that event, should the municipality within which said property of said township is located desire to purchase the same, it may do so at the appraised value thereof, but in case said municipality fails so to do within thirty days from the time of making said appraisal, then said township property shall be advertised for sale at public auction once a week for four consecutive weeks in a newspaper of general circulation within the county within which said township is located, and the same shall be sold to the highest bidder at such sale, for cash, and the proceeds of such sale shall be divided among said municipalities as in this section above prescribed. The books, vouchers, records, files, accounts, documents and bonds of an official character, in the possession of such township trustees, township clerk or township treasurer, or either of them, whose offices are hereby abolished, shall vest in the trustees or trustees and councils of said municipality or municipalities; and such township officers shall, when their offices have ceased by operation of this act, forthwith deliver over to said respective municipality or municipalities a full statement of their accounts, together with the property, moneys and credits; and in case but one hamlet is identical with the township said township officers shall also forthwith deliver over to the trustees thereof all books, records, accounts, files, vouchers, official bonds and documents aforesaid; and in case there are two or more such municipalities which together are coextensive with the township, then all books, records, accounts, files, vouchers, official bonds and documents aforesaid shall be forthwith delivered by said township officers to the council or trustees of the municipality first organized, and shall be open to public inspection at all times.

SEC. 1627d. All suits pending and judgments recovered by or against any such township, together with all rights, interests, claims and demands, in favor of or against the same, may be continued, prosecuted, collected or enforced by or against the municipality or municipalities; and all suits authorized by law, to be brought by or against such township or township trustees, not caused by their non-compliance with this act, shall be prosecuted by or against said municipality or municipalities.

Suits, judgments, rights, interests, claims and demands.

SECTION 2. That said original supplemental act as passed March 3, 1892, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

282G

[House Bill No. 659.]

AN ACT

To amend section 1809 of the Revised Statutes of Ohio, as amended February 1, 1888 (85, O. L., 7).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1809 of the Revised Statutes of Ohio, as amended February 1, 1888, be so amended as to read as follows:

Police court:

SEC. 1809. A deputy clerk of the police court may perform any duty of the principal; he shall receive such compensation as the council may prescribe, but not exceeding fifteen or less than seven hundred dollars per year; and such further compensation in cities of the first class of the first grade as the county commissioners shall determine, but not exceeding six hundred dollars per year and such further compensation in cities of the first class of the second or third grade as the county commissioners shall determine, but not exceeding five hundred dollars per year; and the principal may take from him an undertaking, with sureties, for the faithful performance of such official duty.

Powers, compensation and bond of deputy clerk; Cincinnati, Cleveland and Toledo.

SECTION 2. Said section 1809, as amended February 1, 1888, is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

283G

[House Bill No. 692.]

AN ACT

Making appropriations to pay deficiencies and liabilities existing prior to February 15, 1896.

Appropriations
to pay deficien-
cies and liabili-
ties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1896, to wit:

Adjutant-General's Department.

Transportation Ohio national guard, etc.....	\$2,122 93
Contingent expenses	2 90
Court of inquiry for Col. A. B. Coit.....	2,500 00
Pay Ohio national guard, account of riot at Tiffin	522 36
Pay and expenses of Ohio national guard at- Washington, C. H.....	5,000 00
Bronze statue of ex-President R. B. Hayes....	5,000 00
To be paid on vouchers of the adjutant-general.	

State-House and Grounds.

Electric light.....	\$12,609 71
The Columbus electric light and power company, lighting state-house grounds up to February 1, 1896	1,440 00

Board of Public Works.

Canal repairs	\$14,000 00
For D. R. Austin, attorney fees.....	400 00
For R. W. Satler, attorney fees.....	375 00
For Davis and Hoskins, attorney fees.....	500 00

State Board of Health.

Expense board	\$2,000 00
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State Board of Appraisers and Assessors.

Salaries of members.....	\$279 48
Prosecution and transportation convicts Ohio penitentiary	3,081 13

State Board of Arbitration.

Per diem and expenses of members.....	\$700 00
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Insurance Department.

Contingent expense.....	\$17 00
Attorney's fees.....	1,649 65

Inspector of Building and Loan Companies.

Clerk hire	\$403 28
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Supreme Court Reporter.

Contingent expense	\$350 00	Appropriations to pay deficiencies and liabilities.
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Supervisor of Public Printing.

Printing	\$6,500 00
Binding	3,000 00

Legislature.

Salaries of house and senate chief clerks.....	\$1,323 48
For George Riley for labor.....	70 00
For James B. Lewis for labor.....	46 00
For H. M. Stormont for labor.....	12 00
For John Proctor for labor.....	20 00

Institution for Feeble-Minded Youth.

For repair of damage by fire to south wing of building	\$18,000 00
Interest on same, at four per cent.....	502 25

Dayton State Hospital.

Salaries of officers and trustees' expenses.....	\$285 68
Water-pipes	4,000 00
Interest on same	100 80

Boys' Industrial School.

Plans and specifications for chapel.....	\$500 00
Constructing chapel	18,000 00

Institution for Education of Deaf.

Ordinary repairs	\$450 00
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Bounty Claims.

David Tantory, veteran bounty.....	\$100 00
Samuel L. Clark, veteran bounty.....	100 00
John Huff, veteran bounty.....	100 00
Edward H. Fitch, services on Torrens land commission	1,750 00
Torrens land commission balance due.....	490 00
Elam Fisher, services on Torrens land commission	1,750 00
Estate Isaiah Pillars, services on Torrens land commission	750 00
M. W. Oliver, services on Torrens land commission	500 00

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

284G

[House Bill No. 698.]

AN ACT

To amend an act entitled "An act making appropriations for the Ohio state university," passed February 13, 1896.

Ohio state university:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act making appropriations for the Ohio state university," passed February 13, 1896, be amended so as to read as follows:

Appropriations for Ohio state university.

SEC. 1. That there be and is hereby appropriated from any moneys raised or coming into the state treasury to the credit of the Ohio state university fund, not otherwise appropriated, for the last three quarters of the fiscal year ending November 15, 1896, and the first quarter of the fiscal year 1897, the sum of ninety thousand dollars (\$90,000), or so much as may come into the treasury to the credit of said fund; and for the last three quarters of the fiscal year ending November 15, 1897, and for the first quarter of the fiscal year 1898, the sum of one hundred and eighty-two thousand dollars (\$182,000), or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university, in accordance with the provisions of section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891 (O. L. 88, p. 159), and as further amended March 9, 1896.

Repeals, etc.

SECTION 2. Said original act passed February 13, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

285G

[House Bill No. 705.]

AN ACT

To amend section 2330a of the Revised Statutes of Ohio, as amended April 20, 1893.

Assessments—sidewalks, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2330a of the Revised Statutes as amended April 20, 1893, be, and is hereby amended to read as follows:

Construction of sidewalks, curbing or gutters and assessment of cost in certain cities and villages.

SEC. 2330a. In cities of the fourth grade, second class, in villages of the first class, and in villages lying wholly or partly in counties containing a city of the first grade, first class, whenever sidewalks, curbing or gutter are to be constructed pursuant to a resolution of council, under section

2329 of the Revised Statutes, the council may construct such walk or parts of walk, curbing or gutter, and assess the cost and expense of constructing such sidewalk, curbing or gutter, or part or parts thereof upon the abutting property, which, however, shall be exempted from the penalty provided in section 2330 of the Revised Statutes; and to carry out such purpose the council is hereby authorized to issue the bonds of such city or village, in denominations not to exceed one thousand dollars each, to be payable in not less than one nor more than ten years' issue, and shall bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, which bonds shall be sold for not less than their par value, and the proceeds arising from such sales to be applied to the cost of such improvements and the cost of issuing such bonds and the payment of interest thereon, and to no other purpose; provided, that the council may use the bonds at their par value in payment of contracts without advertising for their sale. The assessments upon the abutting property shall be in such amounts as will be sufficient to provide for the payment of such bonds, and the interest due thereon as the same mature, and such assessments shall be certified by the clerk of such city or village to the auditor of the county or counties in which such city or village is situated, and placed upon the duplicate, and shall be a lien upon the property so assessed. Whenever the council shall determine to improve the sidewalks, curbing or gutter of any street, streets or portion of streets in accordance herewith, they shall advertise for bids in some paper published or of general circulation in the city or village where such work is to be done, and all such bids shall designate the material and kind and quality of material proposed to be used; and all bids must be on file with the clerk of said city or village for ten days before the contract shall be awarded, and any property-owner may elect whether he or she desires to pay cash for the same or have it placed on the tax duplicate as herein provided. If any person electing to pay cash shall fail to do so within thirty days after the completion of the work, it shall be the duty of the clerk to certify the amount to the auditor as herein provided. The council may reject any and all bids.

Exemption from
penalty.
Bonds.

Assessments.

Bids.

Option of
assessed.

Rejection of
bids.

Repeals.

SECTION 2. That said section 2330a as amended April 20, 1893 (90 O. L. 215), be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 27, 1896.

286G

[House Bill No. 716.]

AN ACT

To amend section 4438 of the Revised Statutes.

Weights and
measures:Contents of bar-
rel and hogs-
head; specifica-
tions as to barrel
for agricultural
produce.Denotation and
branding of such
barrel.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4438 of the Revised Statutes be amended so as to read as follows:

SEC. 4438. The barrel shall be equal to thirty-one and one-half gallons and two barrels shall constitute a hogs-head; and barrels for the purpose of containing apples, potatoes, onions or any other kind of fruit, produce or vegetables, shall be made of staves of seasoned timber, twenty-eight and one-half inches in length with cut heads of seventeen and one-eighth inches in diameter and shall measure at the bulge not less than sixty-six inches in circumference, outside measure.

SECTION 2. Such barrel shall be known as "the standard barrel," and on the outside of one or more of the staves of each and every such barrel there shall be stamped or branded the words "state of Ohio, standard," and the name of the cooper or manufacturer of such barrel, and the name of the city or town the nearest to which the cooper-shop or place of business of such manufacturer is located.

SECTION 3. This original section 4438 of the Revised Statutes is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

287G

[House Bill No. 717.]

AN ACT

To amend section 1704 of the Revised Statutes of Ohio.

Officers of ham-
lets:Non-compensa-
tion of trustees;
salary in Cuya-
hoga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1704 of the Revised Statutes be and the same is hereby amended so as to read as follows:

SEC. 1704. The members of the board of trustees, in their capacity as such, or as trustees, shall receive no compensation, except in counties containing a city of the second grade of the first class, where each trustee shall receive fifty dollars a year for his services as trustee, to be paid out of the hamlet treasury.

SECTION 2. Said section 1704 is hereby repealed. **Repeals.**

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

288G

[House Bill No. 722.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897—3 be enacted supplementary to said section 897 of the Revised Statutes as follows:

County commis-
sioners:

SEC. 897—3. Each county commissioner [that] shall hereafter be elected in all counties having by the federal census of 1890 or any subsequent federal census a population of not less than 28,090, nor more than 28,110, shall receive a salary of \$1,200 per annum, payable in equal monthly instalments out of the county treasury upon warrant of the county auditor; and each commissioner in such county shall, if necessary to the proper and efficient discharge of his official duties as such commissioner, devote his entire time to the duties of his office, and shall receive nothing in addition to the salary so provided either directly or indirectly by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which, before being paid, shall be presented in an account and approved in writing by the prosecuting attorney and probate judge of such county.

Salary, duties
and expenses in
Auglaize county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

289G

[House Bill No. 734.]

AN ACT

To supplement section 1692 of the Revised Statutes of Ohio.

Powers of cities
and villages:Buildings; ele-
vators; fire-
escapes; inspec-
tors; house-mov-
ers; plumbers;
sewer-tappers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section shall constitute a section supplementary to section 1692 of the Revised Statutes of Ohio, with sectional numbering as follows:

SEC. 1692*f*. To regulate the construction of, repair of, alteration in, and addition to buildings; to provide for the construction and erection of elevators and fire-escapes in and upon buildings; to provide for the removal and repair of insecure buildings; to provide for the appointment of an inspector or inspectors of buildings, and for the licensing of housemovers, plumbers and sewer-tappers.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

290G

[House Bill No. 742.]

AN ACT

To amend sections 2572 and 2572*a* of the Revised Statutes of Ohio, as amended January 11, 1893 (O. L., vol. 90, pp. 4 and 5), and section 2572*b*, as amended April 24, 1890 (O. L., vol. 87, p. 279).

Public halls, etc.:

Penalty against
owner or person
having control.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2572, 2572*a* and 2572*b* of the Revised Statutes of Ohio be so amended as to read as follows:

SEC. 2572. Whoever, being the owner or having control as an officer, agent, or otherwise, of any opera-house, hall, theater, church, school-house, college, academy, seminary, infirmary, sanitarium, children's home, hospital, medical institute, asylum, or other building used for the assemblage or betterment of people, in a municipal corporation, county or township in the state of Ohio, permits it to be used when any door affording exit therefrom is locked or barred, or opens inwardly; when the place is not provided with ample means for the safe and speedy egress of the persons who may be there assembled; when, if it is on another than the first floor, sufficient water and proper means to apply it, or other efficient means are not provided in such place to extinguish any fire which may occur thereat; or when the certificate provided for in section twenty-five hundred and sixty-nine or section twenty-five hundred and

seventy, which certificate shall also apply to buildings mentioned in section twenty-five hundred and seventy-two, as the case may be, has not been issued, or is not in full force, shall, for each day or night he permits such place to be used or occupied, forfeit or pay any sum not more than one thousand dollars nor less than fifty dollars, to be recovered with costs, in a civil action, in the name and for the use of the municipal corporation, if located within such corporate limits, if not then for the use of the county in which located and suit is brought and it shall be the duty of the mayor, with the aid of the police, or the prosecuting attorney, with the aid of the sheriff, if such building is not located within a municipal corporation, to see that the provisions of this act are strictly enforced.

Duty of mayor
or prosecuting
attorney.

SEC. 2572a. That whenever any structure referred to in section 2572 shall have been inspected by the state inspector of workshops and factories, and such inspector shall have issued to the owner thereof or to his agent, a certificate that such structure is properly arranged for the safe and speedy egress of persons who may be assembled therein, and also properly provided with the means for the extinguishment of fire at or in such structures, as now required by law, then such certificate shall dispense with all other inspections and certificates required by law in regard to the safety of such structures as are mentioned in section twenty-five hundred and seventy-two; and in case such inspector shall find on inspection that such structure is not properly arranged for the safe and speedy egress of persons who may be there assembled, or not properly provided with means for the extinguishment of fire at or in such structure, as now required by law, or that such structure is such as to endanger the lives of the persons who may be there assembled, from fire or other cause, he shall notify the owner, officer or agent in charge of such structure and the mayor of the municipal corporation, if such structure is located therein, if not then the prosecuting attorney of the county wherein the same is located, in writing, of the fact that he refuses such certificate, specifying his reasons and the alterations, additions and appliances necessary to be made and furnished before a certificate will be issued; and no certificate required by law, in regard to the safety of such structure, shall be issued by the mayor or any officer or person under any provision of the law till the requirements of the foregoing notice are complied with to the satisfaction of the state inspector, and it shall be the duty of the mayor of any municipality, with the aid of the police, or the prosecuting attorney, with the aid of the sheriff, upon receiving such notification, to prohibit the use of such buildings for the assemblage of people until the necessary changes, alterations and additions have been made and the inspector's certificate has been issued.

Inspections and
certificates dis-
pensed with in
certain cases.

Notices of
refusal of cer-
tificate.

Requirements
for issuance of
certificate.

Prohibition of
use of buildings.

SEC. 2572b. It shall be the duty of the state inspector of workshops and factories, or his assistants, to make in-

When inspec-
tions to be made.

spections of such buildings as are provided for in sections 2568, 2569 and 2572 of the Revised Statutes of Ohio, as often as he may deem necessary, or upon the written demand of the agent or owner of such structure, or upon the written request of five or more citizens of the municipal corporation, county or township wherein such structure is located.

Repeals.

SECTION 2. That said sections 2572 and 2572a of the Revised Statutes of Ohio, as amended January 11, 1893, and section 2572b of the Revised Statutes of Ohio, as amended April 24, 1890, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

291G

[House Bill No. 746.]

AN ACT

To provide for the regulation of ship-canal companies and to define the powers thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a ship-canal company, now existing or hereafter created, may lay out, construct, maintain and operate with any kind of motive power a ship-canal, together with all such locks, dams, tow-paths, branches, basins, tunnels, aqueducts, feeders to supply water from any lakes or rivers, reservoirs, cuttings, apparatus, appliances, and machinery as it may deem necessary, between the points named in the articles of incorporation, and when a terminus named in the articles of incorporation is upon the boundary line of the state, section 3271 of the Revised Statutes shall apply to said company.

Power of ship-canal company to lay out, construct, maintain and operate ship-canal and necessary appurtenances.

Terminus upon state line.

Change of line, grade or termini, or extension into and through adjoining state.

SECTION 2. Any such company may change the line or grade of its canal and branches thereof, and either of the proposed termini of such canal and branches, in the manner and subject to the provisions, conditions and limitations contained in sections 3272, 3273, 3274, 3275, 3276, 3277, and 3278 of the Revised Statutes, which said sections are hereby made applicable to ship-canal companies, and may extend its canal and branches thereof into and through any adjoining state, under the regulations which may be prescribed by such adjoining state; and the rights, powers and privileges of such company over such extension, in the construction and use of such canal and branches, and in controlling the property and applying the money and assets thereon, shall be the same as if such canal and branches were built wholly in this state.

SECTION 3. Any such company shall have the right to enter upon any land for the purpose of examining and surveying the lines of its canal and branches; to acquire—by purchase, appropriation, or otherwise, all such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canals, and other works and appliances of the company; to make, maintain and alter any places or passages over, under, or through, the said canal or any of its branches and connections; to relocate, alter, move, divert, rebuild, or change the grade of any bridge, street, highway, turnpike, road, tramway, railroad, pipe-line, conduit, or other avenue of transportation, either public or private; or any electric telegraph or telephone line, or electric wire, main, or conduit, or any water, gas, or steam-pipe, or sewer, drain, culvert, or tunnel, the present location of which may be or lie in, upon, across, under, or contiguous to the company's intended canal or works, and which may obstruct, prevent or interfere with the proper construction, maintenance, and operation thereof; to acquire, by purchase, appropriation, or otherwise, any and all lands necessary for relocating and moving any of the structures aforesaid; to obtain by purchase, appropriation, or otherwise, and use, during the construction and operation of said canal and its branches, from the rivers, lakes, brooks, streams, watercourses, reservoirs, and other sources of water-supply, adjacent or near to any such canal, or its branches, water sufficient for the purpose of constructing, maintaining, operating and using such canal and its branches and works, and sufficient to establish and maintain a current at the average rate of three miles per hour throughout the navigable channels of such canal; to control and regulate the fluctuations of the lakes, rivers, and creeks by regulating and overflow dams and weirs; to raise and lower the water-surface in the lakes and rivers; to control and regulate the flood-waters of rivers and creeks adjacent to such canal or its branches, by directing or impounding them as may be necessary; to divert or alter, either temporarily or permanently, the course of any river, stream, creek, brook, or watercourse where the same is necessary to the making, maintaining, and operating of such canal and its branches; to erect, maintain and operate dams, regulating dams, weirs, conduits, channels, diversion channels, cuttings, ditches, trenches, tunnels, reservoirs, basins, aqueducts, and other works necessary to the purposes of such company; to condemn, appropriate, purchase, acquire, and remove any dam, pier, wharf, bridge, causeway, trestle, wall, embankment, or other artificial work or natural obstacle which obstructs, interferes with, or threatens the free navigation, or use and operation and maintenance of such company's canal and branches, and the safe and easy entrance and exit of vessels to and from the same; to construct, maintain and operate, use, lease or otherwise dispose of terminals, harbors, wharves, piers, docks, elevators and warehouses upon said

General rights
of company.

canal, or upon lakes, adjoining or near the same or connected therewith by waterways, natural or artificial; to lay out and lease, or otherwise dispose of water-lots, and use, lease, sell or otherwise dispose of water brought by or for the said canal, and produce, lease, and supply, or otherwise dispose of hydraulic, electric, or other kinds of power in connection with the works of such company; to acquire and use and dispose of steamers, tugs, boats, barges, and other vessels for the purposes of said canal, and propel vessels of all kinds, in and through the said canal by any kind of power and force; to erect, maintain and operate such structures, machinery and appliances as are necessary to produce the force and power required to operate such canal and branches; to open, cut and erect such ponds and basins for the laying up and turning of vessels, boats, or rafts using the canal, and at such portions thereof as they may deem expedient; to build and erect such dry-docks, slips and machinery therewith for the hauling out and repairing of such vessels as they think proper, and make and provide apparatus and appliances for the raising and clearing away of wrecked or sunken vessels and for the floating of sunken and grounded vessels, and lease and hire the same on such terms as they deem expedient, or operate the same by their servants and agents; to construct, or acquire and maintain and operate electric telegraph and telephone lines, and electric light poles, wires, machinery and apparatus for the purpose of the economic and convenient construction and operation of such canal and branches; to acquire, by license, purchase, or otherwise, the right to use any patented invention for the purpose of constructing and operating such canal and branches, and to again dispose of the same; to construct, make and do all such matters and things necessary or proper for the making, completing and properly maintaining and operating such canal and branches, and carrying out in other respects the objects of such company. Provided, that whenever such company shall find it necessary to relocate, alter, move, divert, rebuild or in any manner change any bridge, street, highway, turnpike, or other avenue of travel or transportation, either public or private; or of any electric telegraph or telephone line, or electric wire, main, or conduit, or any water, gas, or steam-pipe, or sewer, drain, culvert or tunnel it shall cause the same to be properly reconstructed forthwith, at its own expense, and on the most favorable location procurable, and with the least possible interruption to the convenient use of such structure.

Reconstruction
of changed
structures, etc.

Occupancy and
use of stream;
appropriation
of necessary
lands.

SECTION 4. Such company may enter upon and into and occupy and use any part or all of any river; creek or stream upon and along the route of its canal and branches, and may enter upon lands on the route adjoining or in the neighborhood of its canal and branches, and appropriate so much thereof as may be deemed necessary for such canal and branches, including all buildings and improvements

mentioned in section 3 of this act, materials for construction, and rights of way sufficient to enable it to construct and repair its canal and branches.

SECTION 5. If it be necessary in the location of a canal, or branches thereof, to occupy any public road, street, alley way or public ground of any kind or any part thereof, the right to occupy and use the same may be acquired in the manner and under the conditions and subject to the restrictions and obligations provided and contained in section 3283 of the Revised Statutes, which is hereby made applicable to ship-canal companies.

Occupancy and use of public way or public ground.

SECTION 6. No appropriation of property to the use of such company shall be made until full compensation therefor is made in money, or secured by deposit of money, to the owner, to be assessed by a jury without deduction for benefits to any property-owner, as prescribed by law. Such appropriation of property shall be made according to the provisions of title two (2) chapter eight (8) of the Revised Statutes, and the acts amendatory thereof and supplementary thereto.

Compensation for appropriated property.

Provisions governing appropriation.

SECTION 7. A company may issue bonds, convertible or otherwise, bearing a rate of interest not exceeding seven per centum per annum, to an amount not exceeding the amount of its capital stock actually subscribed, for one or more of the following purposes: Completing or extending its canal, constructing branch canals, constructing necessary buildings or improvements, enlarging or deepening its canal or branches, paying its unfunded debts, or redeeming its bonds; and it may secure the bonds issued for such purposes by mortgage on its property, or otherwise, by complying with the provisions of section 3286 of the Revised Statutes, which is hereby made applicable to ship-canal companies and to ship-canal.

Bonds.

SECTION 8. A company may borrow money on terms, for the purposes and subject to the conditions and restrictions contained in section 3287 of the Revised Statutes.

Loans.

SECTION 9. Such mortgage or pledge may be made in the manner provided by section 3288 of the Revised Statutes, and when made may be recorded as provided in section 3289 of the Revised Statutes, and when so recorded shall constitute a lien as in said section 3289 provided.

Mortgage or pledge securing loans.

SECTION 10. A company may increase its capital stock whenever in the opinion of the directors such increase is desirable and necessary to the purposes of the company, by complying with the provisions of section 3308 of the Revised Statutes, and such increased stock may be "common" or "preferred," as provided by and under the conditions and restrictions named and contained in sections 3309 and 3309b of the Revised Statutes. Provided, that the aggregate amount of the capital stock and bonded indebtedness of the company shall never exceed the sum of six hundred thousand dollars per mile of its main and branch canals.

Increase of capital stock.

Limit on amount of stock and bonded indebtedness.

Principal or general office.

Officers' office; record of proceedings.

Securities sold to, and liability of, directors.

Consolidations.

Provisions governing consolidations and consolidated companies.

Applicability of laws for protection of property, and relating to officers, agents, employees and police.

Inconsistent laws repealed.

SECTION 11. Each company shall, as soon as convenient after its organization, establish a principal or general office on [at] some point on the line of its canal, and may change the same at pleasure, and shall give public notice of such establishment or change, in some newspaper published on its line, within this state; and the office of the president, secretary and treasurer of the company shall be kept at such principal or general office, or at some other point on the line of the canal within the state, and a record kept there of all the proceedings of the company, to be open at reasonable hours to the inspection of any stockholders of the company.

SECTION 12. The provisions of sections 3313 and 3314 of the Revised Statutes shall apply to ship-canal companies.

SECTION 13. When the canals of any ship-canal companies in this state are so constructed as to permit the passage of ships, boats or vessels into and through any two or more of such canals continuously, without break or interruption, such companies may consolidate themselves into a single company; and any company organized in this state for the purpose of constructing, owning, maintaining and operating a ship canal to the boundary line of the state, or to any point either in or out of the state, may consolidate its capital stock with the capital stock of any company in an adjoining state, organized for a like purpose, and whose canal has been projected to the same point, where the several canals when constructed will form a continuous canal.

SECTION 14. The consolidations shall be made in accordance with the provisions of sections 3381, 3382 and 3383 of the Revised Statutes, and the consolidated companies shall be entitled to all the rights and benefits, and be subject to all the requirements and restrictions imposed by sections 3384, 3385, 3386, 3388, 3388a, 3390, 3391 and 3392 of the Revised Statutes, all the above sections are hereby made applicable to ship-canal companies.

SECTION 15. All laws for the protection of railroads and their property, and relating to or enforcing the duties and obligations of officers, agents and employees of railroad companies, and relating to the appointment, powers and duties of railroad police, shall be applicable to the canals, property, officers, agents and employees of ship-canal companies.

SECTION 16. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

292G

[House Bill No. 749.]

AN ACT

To amend section 3309a of the Revised Statutes of Ohio, as amended March 10, 1892 (89, O. L., 82).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3309a of the Revised Statutes of Ohio, as amended March 10, 1892, be so amended to read as follows:

SEC. 3309a. Any railroad company now or hereafter organized under the laws of this state, and any such company which now is or shall hereafter be consolidated with other companies, as provided in sections thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one and thirty-three hundred and eighty-two of the Revised Statutes, may, at a meeting of its stockholders, called as provided in section thirty-three hundred and eight, in lieu of issuing preferred stock as provided in section thirty-three hundred and nine, provide for borrowing money to locate, construct and equip its proposed line of railway, or for the purpose of leasing or purchasing and equipping branch or connecting roads constructed or in process of construction, not exceeding ten miles in length, or for redeeming or exchanging any part or all of its previously issued bonds, or for funding its floating debt, or for any or all of said purposes, in such an amount as it may deem necessary, not exceeding its authorized capital stock, but companies formed by consolidation of one or more companies of this state or of this state with one or more companies of other states as provided in sections 3379 and 3380, may issue bonds in excess of such capital stock and at such rates of interest as may be agreed upon between the respective parties, not exceeding seven per cent. per annum, payable semi-annually or quarterly, as they may direct, and may execute and issue securities therefor, and to secure the payment thereof may pledge the entire property and net income of such company by mortgage or otherwise, and any railroad company formed by the consolidation of two or more railroad companies existing under the laws of this state or any railroad company formed by the consolidation of one or more companies created by or existing under the laws of this state and any other state or states, with a railroad company or companies of this state or any other state, may, from time to time, if authorized by the vote in person or proxy of holders of two-thirds (2-3) of the full paid-up stock of such consolidated railroad company present and voting at meetings of stockholders, called as aforesaid, issue its bonds, convertible or otherwise, into stock, bearing a rate of interest not exceeding six per centum per annum, for one or more of the following purposes: Paying, redeeming or funding debts or obligations assumed, incurred or created by it or either of its predecessors or constituent

Railroad companies:

Borrowing money and issuing securities in lieu of issuing preferred stock; bonds of consolidated company in excess of capital stock.

Issue, purpose, etc., of bonds of consolidated company.

companies, compromising claims made against it or either of its predecessors or constituent companies, purchasing the whole or any part of any railroad held by it under lease to, or operating contract with it or either of its predecessors or constituent companies acquiring the whole or any part of the stock or bonds of any railroad company owning a railroad held by such consolidated railroad company under lease or operating contract, acquiring the whole or any part of the bonds, notes or other obligations of any other railroad company of this or any other state, the whole or a majority of whose capital stock shall be held by such consolidated railroad company, completing, extending, improving, maintaining or operating its road, branches or lines, held under lease or contract, laying double or additional track, purchasing rolling stock, building depots, elevators or shops, and generally for any purpose needed in its business, and may, if the directors shall so determine, secure such issue or issues of bonds by mortgage or pledge of any or all of its real or personal estate or franchise or income. Said securities may be expressed in dollars or in the currency of the country where disposed of and may be disposed of upon such terms and at such prices as may be agreed upon between the respective parties not inconsistent with the laws of this state. The proceeds of sale of such securities shall be applied only as now required by law; provided, that nothing in this section or in the sections of the Revised Statutes relating to railroad companies, prior to section thirty-four hundred and thirty-seven, other than in sections thirty-two hundred and eighty-seven, thirty-two hundred and eighty-eight, and thirty-two hundred and eighty-nine shall be construed as affecting street railroads.

How securities
expressed and
disposed of; ap-
plication of pro-
ceeds.

Street railroads.

Repeals.

SECTION 2. That said section 3309a, as amended March 10, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

293G

[House Bill No. 752.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio be and the same is hereby supplemented as follows:

County commis-
sioners:

SEC. 897—1. That in counties which by the last federal census had a population of not less than 25,930 nor more than 25,940, each county commissioner from and after the first day of September, 1896, shall receive as compensation for his services as county commissioner in lieu of per diem, the sum of eight hundred and fifty dollars per year, to be paid in equal monthly instalments upon the order of the county auditor. They each may charge and receive five cents per mile, when traveling on business as commissioner, an itemized account of which shall be entered upon the commissioners' journal for each month and be paid upon the allowance of a full board of commissioners and approval by the probate judge and prosecuting attorney. The full board of county commissioners shall attend at their office on the first Monday in March, June, September and December of each year and remain in session not less than twenty business days in each of said months for the dispatch of the business of their regular quarterly session, and such other business as may come before them. The board of commissioners shall also attend at their office during the weeks commencing the first and third Monday of each of the other months of the year, viz.: January, February, April, May, July, August, October and November, and shall devote all of their time to the duties of their office if the interests of the county demand it. They shall cause to be posted in a conspicuous place in each of the postoffices of the county a notice printed in bold type upon cardboard of the time they will be in session at their office for the dispatch of business, which shall be during the time above named.

Salary, mileage
and sessions in
Paulding
county.

Notice of ses-
sions.

SECTION 2. This act shall be in force from and after the 1st day of September, 1896.

Taking effect.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

294G

[House Bill No. 756.]

AN ACT

To prevent the adulteration of and deception in the sale of flaxseed or linseed oil.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person, firm or corporation shall manufacture for sale, offer or expose for sale in this state any flaxseed or linseed oil for other than food purposes, unless the same answers a chemical test for purity recognized in the United States pharmacopœia, or any flaxseed or linseed oil as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of 225 degrees Fahrenheit.

Requirements
of flaxseed or
linseed oil man-
ufactured or of-
fered for sale for
other than food
purposes.

Denotation and
branding in
traffic.

SECTION 2. That no person, firm or corporation shall sell, expose or offer for sale any flaxseed or linseed oil unless it is done under its true name, and each tank-car, tank, barrel, keg, or any vessel of such oil has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such oil in ordinary bold-faced capital letters, not less than five lines pica in size, the words, "pure linseed oil-raw," "pure linseed oil-boiled" and the name and address of the manufacturer thereof.

Penalties.

SECTION 3. That any person, firm or corporation who shall sell without any stamp as required by this act, or who shall falsely stamp or label such tank-cars, tanks, barrels, kegs, cans or other vessels containing flaxseed or linseed oil, or knowingly permit such stamping or labeling or whoever shall violate any provisions of this act shall be deemed guilty of a misdemeanor and punished with a fine of not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days or both for each offense.

Duty of food
and dairy com-
missioner and
grand juries.

SECTION 4. It is hereby made the duty of the food and dairy commissioner of the state to see that the provisions of this act are enforced and grand juries are instructed to take cognizance of cases the same as for where crimes are charged.

SECTION 5. This act shall be in force and take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

295G

[House Bill No. 759.]

AN ACT

Supplementary to section 897 of the Revised Statutes of the state of Ohio.

County commis-
sioners:

Salary, duties
and expenses
in Sandusky
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897—2 be enacted as supplementary to section 897 as follows:

SEC. 897—2. In all counties which by the federal census of 1890 had a population of not less than 30,617 nor more than 31,000, each county commissioner shall receive a salary of eleven hundred dollars (\$1,100) per annum, payable in equal monthly instalments out of the county treasury upon the warrant of the auditor, and each county commissioner in such county shall devote his entire time to the duties of his office, if so required, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid

out, or otherwise, except when necessary to go out of their respective counties on official business, which before being paid shall be presented in an itemized account and approved in writing by the prosecuting attorney and probate judge of said county.

SECTION 2. This act shall take effect and be in force from and after the first day of January, 1897. Taking effect.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

296G

[House Bill No. 782.]

AN ACT

Relating to the care and maintenance of aged and infirm deaf and dumb persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any incorporated association organized for the purpose of providing a home for aged and infirm deaf and dumb persons may enter into a contract with the board of county infirmary directors of any county for the care and maintenance at such home of any aged or infirm deaf and dumb person who may be an inmate of the county infirmary, or who may, under the laws of the state, be entitled to admission thereto. And in every such case the county in which such infirmary is situated shall, during the period such person may remain in such home, pay to such association, annually, a sum equal to the per capita cost of maintaining inmates in the infirmary of such county.

Contract for care and maintenance of indigent aged or infirm deaf and dumb in home provided by association.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 27, 1896.

297G

[House Bill No. 787.]

AN ACT

To supplement section 1408 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1408, Revised Statutes of Ohio, be supplemented with sectional numbering 1408a.

Original surveyed township:

Reappraisement
of school lands
excessively re-
appraised dur-
ing 1887.

SEC. 1408a. The court of common pleas of any county in which section sixteen of any original surveyed township was reappraised during the year 1887 shall, upon petition of three-fourths of the lessees of said section, setting forth that said reappraisement was excessive, order a reappraisement thereof, provided said lessees file with said petition, the written consent to such reappraisement of at least two-thirds in number of the qualified electors of said township. Such order of reappraisement shall be made in accordance with the provisions of section 1408, Revised Statutes of Ohio, so far as the same may be applicable.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

298G

[House Bill No. 806.]

AN ACT

To amend section 953 of the Revised Statutes, and to repeal the section as amended.

County commis-
sioners—Ham-
ilton county:

Bond and oath
of clerk.

Term, salary
and seal of
office.

Vacancy.

Certified trans-
cripts, orders
and certificates
as evidence; fees
for such docu-
ments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 953 of the Revised Statutes be and the same is hereby amended so as to read as follows:

SEC. 953. The clerk when appointed previous to entering upon the duties of his office, shall give a bond to the state, with two or more sureties, to the acceptance of the probate judge of the county, in the sum of two thousand dollars, conditioned for the faithful discharge of the duties of his office, which bond, with his oath of office endorsed thereon shall be deposited with the treasurer of the county, who shall record and faithfully preserve the same in his office. The clerk of the board shall hold his office for the term of one year, or until his successor is elected and qualified, and shall be entitled to receive such salary as the board of commissioners of said county shall designate, not to exceed the sum of eighteen hundred (\$1,800) dollars per annum; he shall be provided with a seal of office, in the center of which shall be the name of the county and around the margin the words, board of county commissioners. The board shall have power at any regular meeting to fill the vacancy of the clerk for the unexpired term caused by death, resignation, removal, or otherwise. Transcripts, orders and certificates, when duly certified to by the president of the board, and the clerk, with the seal attached, shall be received as evidence in any court of the state, and for the same similar fees shall be paid the clerk as are allowed

county officials for like services, and all sums thus received shall be by said clerk entered in a book to be kept for that purpose, and the gross amount thus received shall by him be paid into the county treasury, and credited to the fee fund; but when any such transcripts, orders and certificates are prepared on behalf of the county, by order of the commissioners, no fee shall be allowed.

SECTION 2. Said original section 953 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

299G

[House Bill No. 812.]

AN ACT

To authorize Lawrence furnace company, of Lawrence county, Ohio, to surrender its permanent lease of school lot No. 3, section 16, of original surveyed township 2, range 18, in Lawrence county, and state of Ohio, and to provide for a reappraisement and sale of said lot.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Lawrence furnace company, of Lawrence county, Ohio, is hereby authorized to surrender to the state of Ohio its lease to said lot No. 3, containing eighty-eight (88) acres and 32 poles, it being a part of said section 16, township 2, of range 18, in said Lawrence county, and when the surrender of said lease shall have been made, the trustees of said school section 16, of said original surveyed township, shall cause said school lot No. 3 to be appraised by three competent and suitable persons, residents of the county, to be appointed by the court of common pleas, or the judge thereof, or by any judge of the circuit court; said appraisers shall be qualified and make return in writing of their appraisement as provided by law.

Surrender of
Lawrence fur-
nace company's
lease of lot
three, section
sixteen, Law-
rence county,
and appraise-
ment of said lot.

SECTION 2. The trustees of said section sixteen, Lawrence county, Ohio, are required to sell said land at private or public sale, as they deem advisable, at any price not less than the appraised value thereof, payable three-tenths (3-10) in cash on day of sale, and the balance in seven equal yearly instalments, with six per cent. interest, payable annually, into the state treasury, as provided by section thirty-nine hundred and fifty-three (3953) of the Revised Statutes of Ohio, to be made part of the irreducible debt of the state, and the interest of which shall be applied to the support of common schools in said original surveyed township, as required by section thirty-nine hundred and fifty-four (3954) of the Revised Statutes of Ohio, and in all

Qualification
and return of
appraisers.

Sale of said land
and application
of proceeds.

respects to be subject to the statutes governing the fund arising from the sale of section 16.

Costs of
appraisalment
and sale.

SECTION 3. The costs and expenses necessarily incident to the appraisalment and sale of said land shall be paid by the trustees out of any money arising from such sale.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

300G

[House Bill No. 813.]

AN ACT

To authorize the trustees of school section number 16, Elizabeth township, Lawrence county, Ohio, to provide for the reappraisalment and sale of lots Nos. 1, 2, 5 and 6 of school section No. 16, of the original surveyed township 2, range 18, in said Elizabeth township.

Appraisalment
of enumerated
lots of section
sixteen, Eliza-
beth township,
Lawrence
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of section sixteen, Lawrence county, Ohio, shall cause school lots numbers 1, 2, 5 and 6 of school section number 16, of the original surveyed township 2, range 18, in said Elizabeth township to be appraised by three competent and suitable persons, residents of said county, to be appointed by the court of common pleas, or the judge thereof, or by any judge of the circuit court; said appraisers shall be qualified and make return in writing of their appraisalment as provided by law.

Qualification
and return of
appraisers.

Sale of said land
and application
of proceeds.

SECTION 2. The trustees of said section sixteen, Lawrence county, Ohio, are required to sell said land at private or public sale, as they deem advisable, at any price not less than the appraised value thereof, payable three-tenths (3-10) in cash on day of sale, and the balance in seven equal yearly instalments, with six per cent. interest, payable annually, into the state treasury, as provided by section 3953 of the Revised Statutes of Ohio, to be made part of the irreducible debt of the state, and the interest of which shall be applied to the support of common schools in said original surveyed township, as required by section 3954 of the Revised Statutes of Ohio, and in all respects to be subject to the statutes governing the fund arising from the sale of section 16.

Costs of ap-
praisalment and
sale.

SECTION 3. The costs and expenses necessarily incident to the appraisalment and sale of said land shall be paid by the trustees out of any money arising from such sale.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

301G

[House Bill No. 815.]

AN ACT

To appropriate funds to complete the improvement of deepening, widening and straightening the Kirkersville feeder to the Buckeye lake and make repairs to the gates and banks of said lake wherever necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That four thousand [dollars,] or so much thereof as may be necessary, be appropriated for the special use of the board of public works to complete the improvement of deepening, widening and straightening the Kirkersville feeder to the Buckeye lake from a point near Martin's south line to the lower end of the irregularity in the bed of said feeder, a distance of about one and three-fourths miles, so as to give the said feeder a uniform grade of one-half foot to one thousand feet, and make the bed of said feeder correspond to that already finished, as shown on survey maps and profiles on file in the office of the board of public works; also to make repairs to the gates and banks of said Buckeye lake, where the same is necessary, the funds herein provided for shall be paid from any moneys in the treasury not otherwise appropriated.

Appropriation to complete improvement of Kirkersville feeder and repair gates and banks of Buckeye lake.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

302G

[House Bill No. 818.]

AN ACT

To authorize the board of trustees of the Toledo state hospital to purchase certain real estate and personal property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Toledo state hospital be and are hereby authorized to purchase of the commissioners of Lucas county, Ohio, the infirmary buildings now belonging to said county, and the furniture

Purchase of Lucas county infirmary property by trustees of Toledo state hospital.

Validity of title. and other property therein; and also the grounds thereunto belonging, amounting to about eighty-three acres, for a sum not to exceed sixty thousand dollars (\$60,000), to be paid after the fifteenth day of February, 1897. No part of the purchase price shall be paid until the attorney-general shall have examined and certified to the validity of the title to said real estate.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

303G

[House Bill No. 836.]

AN ACT

To amend section 3898 of the Revised Statutes of Ohio as amended March 14, 1894 (91 vol., 69, 70, 71).

School districts: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3898 of the Revised Statutes of Ohio as amended March 14, 1894 (91 vol., 69, 70, 71), be and the same is hereby amended to read as follows:

Board of education in city districts of the first class, except first and second grades.

SEC. 3898. In each city district of the first class, and not of the first or second grade, the board of education shall consist of two members from each ward, except in city districts organized under a law providing for one member only for each ward, in which districts the board may, at any time, by a vote of the majority of all its members, provide that thereafter each ward shall be represented by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall be an elector of the ward for which he is elected or appointed; and at every annual election for city officers in a city which constitutes districts of the first class, wherein the board consists of two members for each ward, there shall be elected in each ward, by the qualified electors thereof, one judicious and competent person to serve as a member of the board of education of the district for two years, from the third Monday of April succeeding his election, and until the election and qualification of his successor; provided, that at the annual election for city officers, held after a city has been constituted a city district of the first class, with a board to consist of two members from each ward, there shall be elected in each ward of such city, by the qualified electors of such ward and of said district entitled to vote in such ward, two persons of the required qualifications to serve as mem-

bers of the board of education of such districts, one for one year and the other for two years from the third Monday of April succeeding their election and until the election and qualification of their successors; and provided, that any elector residing in such district, but not in any ward of such city, shall, if the territory containing his residence has not been attached to any ward for school purposes as provided in section thirty-nine hundred be entitled to vote for member of the school board in the ward nearest his residence; and in such case a separate ballot-box and poll-book shall be provided and used, as required in section thirty-nine hundred and two, in each ward where any such elector may be entitled to vote when the board of education in such city district of the first class consists of as many members as there are wards, there shall be elected at the annual election for city officers in the year eighteen hundred and eighty, and every two years thereafter, in each ward designated by an even number, and in the year eighteen hundred and eighty-one, and every two years thereafter in each ward designated by an odd number by the qualified electors thereof, one member of the board, who shall hold his office for two years, and until the election and qualification of his successor. Provided, that in any such city which has been, or may be redistricted for election purposes, by whomsoever or howsoever such redistricting may be made, such redistricting shall not affect the term of the members of the board of education then in office, but each of said members shall serve the full term for which he was elected, and shall be the member, in said board, for the remainder of the term for which he was elected, of the ward in which he resides, after such redistricting is made, if such ward shall be a part or the whole of the ward in which he was elected; at the annual election for city officers occurring next after such redistricting has been, or may be, had, a member shall be elected for each ward created by such redistricting in which a member does not hold over as above provided. The members chosen at such election from wards entitled to elect members for a term of two years shall serve for such period and until their successors, who shall also be elected for a similar term, are elected and qualified. The members chosen at such election from wards not entitled at such election to choose members for a term of two years, shall serve for one year, at the expiration of which term a successor shall be elected for each of said members to serve for a period of two years, and until his successor, who shall be elected for a term of two years, is elected and qualified. Any ward which, but for the holding over of a member, as above provided, would elect a member at the annual election for city officers occurring next after the redistricting of any such city, for a term of two years, shall, at the expiration of the term of such holding over member, elect a member for the term of one year, but the successor of any member so elected for one year, shall each be chosen for a term of two years and

City redistricted
for election pur-
poses.

Massillon.

until his successor is elected and qualified. In city districts of the first class and not of the first or second grade, the boundaries of which are not identical or coterminous with the boundaries of the city, the population of which at the federal census of 1890 did not exceed 10,100, the board of education shall consist of six members elected at large by the qualified electors of the district. Provided that at the next annual election, succeeding the passage of this act, two members shall be elected to serve two years and until the election and qualification of their successors, and at the second annual election succeeding the passage of this act two members shall be elected to serve two years and two members to serve three years and until the election and qualification of their successors. At all subsequent annual elections two members shall be elected to serve three years and until the election and qualification of their successors.

Repeals.

SECTION 2. That section 3898 as amended March 14, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

304G

[House Bill No. 837.]

AN ACT

Authorizing the adjutant general to purchase certain volumes of the roster of Ohio soldiers therein named.

Purchase of cer-
tain volumes of
roster of Ohio
soldiers.

Disposition of
proceeds of sale
of said volumes.

Appropriation
for purchase.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the adjutant-general be, and he is hereby authorized to purchase, at a cost not to exceed five hundred (500) dollars, copies of volumes II, III, IV, V, VI, VII, VIII, IX and X of the roster of Ohio soldiers, heretofore published, and the supply of which has been exhausted. The money received from the sale of said volumes, in the manner prescribed by law, shall be paid by said adjutant-general into the state treasury, to the credit of the general revenue fund.

SECTION 2. There is hereby appropriated, for the purposes of this act, out of any money in the state treasury, not otherwise appropriated, the sum of five hundred (\$500) dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

305G

[House Bill No. 873.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio be supplemented with an additional section numbered 897—2, as follows:

County commis-
sioners:

SEC. 897—2. Each commissioner elected after the passage of this act, in the county of Ashland, state of Ohio, shall devote so much of his time as will be required to enable him to properly and efficiently discharge the duties of his office, and shall receive a yearly salary of six hundred dollars (\$600) which shall be paid in equal quarterly instalments, which shall be in lieu of all per diem, mileage, or any other perquisites; provided, however, that each commissioner may be paid in addition to said six hundred dollars, his necessary expenses while doing business for the county outside of its limits. A sworn statement of such expenses must be filed with the prosecuting attorney of said county and approved by him.

Duties, salary
and expenses in
Ashland county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

306G

[House Bill No. 884.]

AN ACT

To amend section 2468 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2468 of the Revised Statutes be and the same is hereby amended so that it shall read as follows, viz.:

Cleveland fire-
department:

Salaries of officers and members.

SEC. 2468. The members of the fire-department shall receive the following annual salaries: Chief of fire-department, not less than twenty-three hundred, nor more than three thousand dollars; first assistant chief, not less than nineteen hundred, nor more than twenty-five hundred dollars; second, third and fourth assistant chiefs not less than seventeen hundred, nor more than two thousand dollars; and graded according to rank; captains, not less than ten hundred and eighty, nor more than fifteen hundred dollars; engineers, not less than ten hundred and eighty, nor more than fifteen hundred dollars; lieutenants, not less than nine hundred and sixty, nor more than thirteen [hundred] and fifty dollars, assistant engineers, not less than nine hundred and sixty nor more than thirteen hundred and fifty dollars; chief operator, not less than twelve hundred, nor more than fifteen hundred dollars; operators not less than nine hundred and sixty, nor more than thirteen hundred and fifty dollars; storekeeper, not less than nine hundred and sixty, nor more than thirteen hundred and fifty dollars; firemen, not less than nine hundred, nor more than twelve hundred dollars; linemen, not less than nine hundred and sixty, nor more than twelve hundred dollars; superintendent of machinery, not less than thirteen hundred, nor more than eighteen hundred dollars; secretary, not less than sixteen hundred, nor more than two thousand dollars; the pay in all cases to be fixed by the board, and the salaries to be paid monthly to the person entitled thereto.

Repeals.

SECTION 2. Said original section 2468 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

307G

[House Bill No. 885.]

AN ACT

Concerning municipal corporations adjoining the line of a railroad.

Jurisdiction of municipality over right of way of railroad adjoining or forming part of boundary line.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* Whenever the line of a railroad adjoins or forms a part of the boundary line of a municipal corporation, such municipal corporation shall have jurisdiction over the entire width of the right of way of the line of railroad, so adjoining or forming a part of the boundary line of such municipal corporation, for the punishment of the violation of the ordinances of such municipal corporation.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

308G

[House Bill No. 891.]

AN ACT

To appropriate two hundred and fifty dollars to James Pugh and William Pugh for the repayment of money paid by Job Pugh to the state of Ohio for lands to which the deed from the state of Ohio conveyed no title.

WHEREAS, On the twenty-sixth day of April, A. D. 1869, Job Pugh bought of the state of Ohio and received a deed that day, by the governor and secretary of state, made to him for certain lands in Paulding county, Ohio, to wit: All of the southeast quarter of the northeast quarter of section twenty-five, township three north of range one east lying south of the north line of the Wabash extension of the Miami and Erie canal containing thirty-four acres of land. Preamble.

WHEREAS, Job Pugh died on the 3d day of September, 1873, intestate leaving the following named children him surviving as his only heirs at law: David Pugh, Moses Pugh, Philip Pugh, William Pugh, James Pugh, Nelson Pugh, and Rachel Pugh intermarried with Cornelius Miller, and all of said heirs save William Pugh have conveyed by deed all their interest in and to said lands to James Pugh and assigned to him all their interest in any money that may be received on account of said purchase by said Job Pugh and the said estate of Job Pugh has been fully settled of record.

WHEREAS, Said lands were embraced in said extension of said Miami and Erie canal and the Antwerp reservoir, and were a part of the public works, and said above-cited deed conveyed no title, and the canal commission has since sold said lands to other persons who are now in possession of the same, and it having been determined in a certain suit in the circuit court for Paulding county, Ohio, that they were entitled to said possession as against said James and William Pugh; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of two hundred and fifty dollars to be paid to James Pugh and William Pugh on the warrant of the auditor of the state of Ohio, being the purchase money with interest, together with the expenses of defending the title to said land.

Appropriation
for James Pugh
and William
Pugh.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

309G

[House Bill No. 902.]

AN ACT

To supplement section 2680 of the Revised Statutes.

Law libraries: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2680 of the Revised Statutes be supplemented with sectional numbering as follows:

Percentage of fines and penalties for use of library in Columbia county

SEC. 2680c. That in all counties, which, at the last federal census had a population of not more than fifty-nine thousand and thirty-five and not less than fifty-nine thousand and twenty-five, in which there is such a law library association as that mentioned in section 2680, and in which there is no such police court, fifteen per cent. of all fines and penalties which are assessed and collected by the common pleas and probate courts of such counties, for offences and misdemeanors prosecuted in the name of the state, except that portion thereof allowed by law to the prosecuting attorney in such cases, shall be paid quarterly by the clerk of the court of common pleas and probate judge, of such counties, to the trustees of such law library association, to be expended in the purchase of law books and the maintenance of such associations and such library associations and libraries shall be subject in all other respects, to the provisions contained in section 2680.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

310G

[House Bill No. 932.]

AN ACT

To amend supplementary section 3994b of the Revised Statutes of Ohio, as passed April 14, 1892.

Board of education: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 3994b of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 3994b. That boards of education in city districts of the second grade of the first class shall have power to borrow money and to issue bonds therefor, bearing interest at a rate not to exceed six per centum per annum, to extend the time of payment, but not to increase the amount of any of its bonded indebtedness, whenever the same shall become due and payable.

Power of Cleveland board to borrow money and issue bonds to extend but not increase bonded indebtedness.

SECTION 2. Said original supplementary section 3994b of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

311G

[House Bill No. 936.]

AN ACT

To amend section 2926t of the Revised Statutes of Ohio, as amended April 13, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2926t of the Revised Statutes of Ohio be so amended as to read as follows:

Board of elections:

SEC. 2926t. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of one thousand dollars per annum, in cities of the second grade in the first class, a salary of six hundred dollars per annum. And in cities of the third and fourth grades in the first class, and the first and second grades of the second class, a salary of four hundred dollars per annum, payable quarterly, and in cities of the third grade and third grade *a*, in the second class, a salary of two hundred dollars per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty dollars per annum, payable semi-annually. The secretary of the board of elections in cities of the first grade in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars per annum, in monthly payments, and in cities of the second grade in the first class, a salary of two thousand dollars per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars per annum, in monthly payments. In counties containing a city of the first class, fourth grade, each member of the board shall be paid a salary of four hundred dollars, three hundred of which amount to be paid from the city funds and one hundred from the general fund of the county in which the city is situated; and the secretary in such city of the first class,

Salaries of members of board.

Salary of secretary.

Salaries of members and secretary in Stark county.

Salary of secretary—concluded.

Compensation of registrars, judges and clerks; expenses to be paid by county.

fourth grade, shall be paid a salary of six hundred and fifty dollars, four hundred and fifty dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly instalments. And in cities of the first grade, second class, a salary of five hundred dollars per annum, in monthly payments, and in cities of the second grade of the second class a salary of one thousand dollars per annum, to be paid in monthly instalments, and in cities of the third grade, and third grade *a*, of the second class, a salary of two hundred dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade in the second class, a salary of one hundred dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge, or clerk, shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' services actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk, or city auditor of such city, but for all general elections other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

Repeals, etc.

SECTION 2. The said section 2961 $\frac{1}{2}$ of the Revised Statutes, as amended April 13, 1896, be and the same is

hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

312G

[House Bill No. 950.]

AN ACT

Amending an act "To allow the commissioners of Cuyahoga county certain compensation as herein provided," passed April 15, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following be enacted as supplementary to section 897 of the Revised Statutes as amended April 8, 1886:

County commis-
sioners:

SEC. 897c. In counties which contain a city of the first class, second grade, each commissioner shall be allowed for expenses incurred by said commissioner, in the proper discharge of his duties within said county, the sum of five hundred dollars (\$500) per annum, said sum to be paid out of the county treasury on the warrant of the county auditor.

Allowance for
expenses in Cuy-
ahoga county.

SECTION 2. That the said act passed April 15, 1889, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

313G

[House Bill No. 954.]

AN ACT

To authorize the auditor of state to issue a duplicate warrant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and is hereby authorized and directed to issue on the state treasury, in favor of Frederick Jaeger, a duplicate of warrant No. 5033, dated April 26, 1888, for twenty-seven dollars and eighty-seven cents (\$27.87), in lieu of said original warrant which was lost and never found.

Duplicate war-
rant in favor of
Frederick
Jaeger.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

314G

[House Bill No. 957.]

AN ACT

To amend supplemental section 2100*b* of the Revised Statutes of Ohio, as passed April 3, 1889.

Workhouse:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 2100*b*, passed April 3, 1889, be so amended as to read as follows:

Disposition of
fines paid after
incarceration in
Toledo work-
house.

SEC. 2100*b*. And all fines paid by persons so sentenced to said workhouse, situate in any such city of the third grade, first class, after their actual incarceration therein, except for offences mentioned in sections 6951, 6952, 6984 and 6984*a* of the Revised Statutes and except also as provided in an act entitled "An act in aid of the retreat, a home for friendless girls, located in the city of Toledo, a benevolent association incorporated in the laws of Ohio," as amended April 13, 1888 (O. L. v. 85, p. 535), shall be paid over to the board of workhouse directors of such workhouse, to be by said board applied to the payment of the expenses of such workhouse.

SECTION 2. That this act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

315G

[House Bill No. 962.]

AN ACT

To amend section 6946 of the Revised Statutes of Ohio, as amended May 4, 1891 (O. L., vol. 88, p. 603).

Offense against
public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6946 of the Revised Statutes be amended so as to read as follows:

SEC. 6946. Whoever sells intoxicating liquors or keeps a house of ill-fame at or within twelve hundred yards of the administration or main central building of the Columbus state hospital, Dayton state hospital, Athens state hospital, Toledo state hospital, soldiers' and sailors' orphans' home, or any other orphans' home in this state, except in cities of the first class, or within two miles of the boundary line of the boys' industrial school, south of Lancaster, Fairfield county, or within two miles of the place where any agricultural fair is being held, or within one mile of any county children's home, of any county of the state, situated within one mile of any incorporated village or city, in which the sale of intoxicating liquors is prohibited by an ordinance of such village or city, made in pursuance of the act, entitled, "An act providing against the evils resulting from the traffic in intoxicating liquors," passed March 11, 1887, shall be fined not more than one hundred nor less than twenty-five dollars, or imprisoned not more than thirty days or both, and on conviction of the owner or keeper thereof, the place wherein such intoxicating liquors are sold shall by order of the court, be shut up and abated as a nuisance.

Penalty for selling intoxicating liquors or keeping house of ill-fame within prohibited distances of certain institutions.

Abatement as nuisance.

SECTION 2. That said original section 6946 as amended May 4, 1891 (O. L. vol. 88, p. 603), be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

316G

LOCAL LAWS.

[House Bill No. 1.]

AN ACT

To authorize the village of Cairo, Allen county, Ohio, to transfer certain municipal funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Cairo, in the county of Allen and state of Ohio, be and it is hereby authorized, to transfer permanently from the sanitary fund of said village to the fire fund of said village the sum of sixty dollars (\$60), from the sewer fund of said village to the fire fund of said village the sum of one hundred and forty dollars (\$140), and from the light fund of said village to the fire fund of said village, the sum of one hundred dollars (\$100).

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 8, 1896.

1L

[House Bill No. 6.]

AN ACT

To authorize the village council of the village of West Liberty, Logan county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of West Liberty, Logan county, Ohio, be and are hereby authorized to transfer the sum of one hundred and eighty (\$180) dollars, from the corporation fund permanently to the fire fund.

SECTION 2. That the council of the village of West Liberty, Logan county, Ohio, be and are hereby authorized to transfer the sum of one hundred and eighty (\$180) dollars from the marshal and police fund permanently to the fire fund.

SECTION 3. That this act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 8, 1896.

2L

[House Bill No. 61.]

AN ACT

To authorize the council of the village of Columbiana, Columbiana county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Columbiana, Columbiana county, Ohio, be and is hereby authorized to transfer the sum of one thousand three hundred (\$1,300) dollars from the road fund, and two hundred (\$200) dollars from the police fund, to the electric light fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed January 17, 1896.

3L

[House Bill No. 35.]

AN ACT

To authorize the trustees of Troy township, Geauga county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Troy township, Geauga county, are hereby authorized to transfer two hundred (\$200) dollars from the cemetery fund to the town hall fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

4L

[House Bill No. 36.]

AN ACT

To authorize the commissioners of Monroe county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Monroe county, Ohio, are hereby authorized to transfer the sum of five thousand (\$5,000) dollars from the building fund; two thousand (\$2,000) dollars from the road fund;

and three thousand (\$3,000) dollars from the bridge fund. Said sums of money to be transferred to the expense fund of said county.

SECTION 2. This act to take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

5L

[House Bill No. 41.]

AN ACT

To provide for the transfer of funds in the incorporated village of Weston, Wood county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Weston, Wood county, Ohio, be and hereby is authorized to transfer the sum of four hundred and fifty (\$450) dollars from the sidewalk fund, or any other unexpended fund belonging to said incorporated village, to the county fund of said village. This said amount of four hundred and fifty (\$450) dollars so transferred, to be returned to the fund from which taken in three annual payments of one hundred and fifty (\$150) dollars each, from levies made for cemetery purposes; the first payment to be made from the March receipts in the year 1897.

SECTION 2. This act shall be in force and take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

6L

[House Bill No. 45.]

AN ACT

To authorize the city council of the city of Greenville, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Greenville, Darke county, Ohio, be and is hereby authorized and empowered to transfer from the bridge fund of said city to the light fund thereof, any sum not exceeding one thousand dollars.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

7L

[House Bill No. 46.]

AN ACT

To authorize the trustees of Delaware township, Delaware county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Delaware township, Delaware county, Ohio, be and are hereby authorized to transfer the sum of four thousand (\$4,000) dollars from the township fund of said township, to the road special fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

8L

[House Bill No. 99.]

AN ACT

To authorize the commissioners of Highland county to issue bonds to pay existing indebtedness of said county and to provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Highland county, for the purpose of providing for and paying the existing indebtedness of said county, be, and they are hereby authorized to issue the bonds of said county for an amount not to exceed thirty-five thousand (\$35,000) dollars, payable at such times as they in their discretion may think best for the interest of said county, bearing a rate of interest not to exceed six (6) per cent., payable semi-annually.

SECTION 2. That for the purpose of paying said bonds, and the interest thereon, as the same become due and payable, said commissioners are hereby authorized and required to levy annually on all the taxable property within said county, a sum sufficient to pay the same, said levy to be in addition to all other levies authorized by law; said bonds shall be issued, signed, advertised and sold, as provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

9L

[House Bill No. 102.]

AN ACT

To authorize the trustees of Ridgeville township, Lorain county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Ridgeville township, Lorain county, are hereby authorized to transfer three hundred (\$300) dollars from the road fund to the general township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed January 23, 1896.

10L

[House Bill No. 20.]

AN ACT

To authorize the trustees of Blanchard township, Putnam county, state of Ohio, to issue bonds and levy tax for the purpose of paying off the bonds of said township issued under an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve public highways in said townships, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of Blanchard township, in Putnam county and state of Ohio, are hereby authorized to issue the bonds of said township of Blanchard to the amount of thirty-five thousand dollars (\$35,000), for the purpose of providing for the payment of the bonds of said township issued by the said board of trustees pursuant to an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes."

SECTION 2. That said bonds shall be issued in denominations of \$500 each, and all of said bonds shall be issued to mature at such times as said board of trustees shall determine, but not to exceed fifteen years from the date of their issue, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; and said bonds shall be signed by the trustees of said township and countersigned by the clerk of said township.

SECTION 3. That it shall be the duty of said board of trustees to issue and sell said bonds at such times and in such amounts as will provide a fund to pay off, as they become due, the bonds of said township now outstanding, and issued pursuant to said act passed April 13, 1880, and acts amendatory thereto. And the proceeds arising from the sale of said bonds shall be applied in the payment of said bonds now outstanding.

SECTION 4. That said board of trustees are hereby authorized and empowered to levy, annually, a tax not to exceed seven mills on the

dollar, in addition to other taxes authorized by law, on all the taxable property of said township, for the purpose of paying the principal and interest on the bonds in this act authorized to be issued.

SECTION 5. The levy provided for herein shall be placed upon the tax duplicate and collected as other taxes, and when collected shall be paid over to the township treasurer of said township of Blanchard, and shall be under the control of said trustees. And said township treasurer shall receive as his compensation for receiving and paying out said money, one-half of one per centum of the amount so received and paid out.

SECTION 6. The said trustees are hereby prohibited from issuing additional bonds under said original act passed April 13, 1880, and the act amendatory thereto, passed April 19, 1881.

SECTION 7. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
11L

Passed January 24, 1896.

[House Bill No. 72.]

AN ACT

To authorize the village of Arcanum, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Arcanum, Darke county, Ohio, be and the same is hereby authorized and empowered to transfer any sum not exceeding four hundred (\$400) dollars from the light, general, and street fund, to a special fund, to purchase land to connect Second street between Main street and High street in the village of Arcanum, Darke county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
12L

Passed January 24, 1896.

[House Bill No. 79.]

AN ACT

To authorize the trustees of Hartford township, Licking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Hartford township, Licking county, Ohio, be and are hereby authorized and empowered to transfer from the road fund

the sum of four hundred (\$400) dollars; and from the bridge fund the sum of one hundred and four dollars and forty-five (\$104.45) cents to the general township fund.

SECTION 2. This act to take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 24, 1896.

13L

[House Bill No. 82.]

AN ACT

To change the names of Moses S. Kalverisky, Etta Kalverisky, Jacob L. Kalverisky, Herman H. Kalverisky, Sarah Kalverisky and Anna Kalverisky.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the names of Moses S. Kalverisky, Etta Kalverisky, Jacob L. Kalverisky, Herman H. Kalverisky, Sarah Kalverisky and Anna Kalverisky, of Mahoning county, are hereby changed from Kalverisky to Kalver.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the persons herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 24, 1896.

14L

[House Bill No. 87.]

AN ACT

To authorize the council of the incorporated village of Marblehead, Ottawa county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of the incorporated village of Marblehead, Ottawa county, Ohio, are hereby authorized to transfer one hundred and seventy-five (\$175) dollars from the street fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 24, 1896.

15L

[Senate Bill No. 9.]

AN ACT

To authorize the transfer of toll-road purchase tax-refunder balances, and for the cancellation of said refunders of Pickaway county.

WHEREAS, The act of the general assembly of Ohio, passed April 12, 1880, as amended February 21, 1883, "To authorize the purchase of toll roads in Pickaway, Greene, and Fairfield counties, and to convert the same into free roads," provided that whenever any such roads were purchased by the county commissioners, and in the levying and collection of assessments to pay for said roads the owners of all lands, or lots of lands, or parts thereof in said county which had been assessed for the construction of any road under the provisions of the act of March 20, 1867, or acts amendatory thereof or supplementary thereto were entitled to have repaid to them out of any tax they were required to pay for the purchase of said toll-roads the amount of the assessment so paid by them, or their grantors for the construction of any road or roads under the said act of March 20, 1867, or acts amendatory thereof or supplementary thereto; said refunder in no instance to exceed the amount of said tax they had so paid; and

WHEREAS, The commissioners of Pickaway county under the provisions of said above recited act purchased the toll roads of said county and converted the same into free roads, the last and final payment upon said purchase having been made in the year 1892; and

WHEREAS, There remains in the county auditor's office certain refunders uncalled for, issued because of said purchase as provided in said act said refunders being for small amounts; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any balance remaining in the treasury of Pickaway county, levied for the payment of tax refunders to persons who paid assessments for the purchase of toll roads in said county under the act of April 12, 1880, as amended February 12, 1883, which said refunders have not been called for shall upon the passage of this act be transferred by the commissioners to the county fund of said county.

SECTION 2. That all said toll-road tax-refunders remaining uncalled for shall be cancelled by the auditor of said county, and that no levy shall hereafter be made for the payment of such refunders.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed January 29, 1896.

16L

[House Bill No. 10.]

AN ACT

To change the name of Daniel Spear.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Daniel Spear, resident of the county of Morrow, in the state of Ohio, be and the same is hereby changed to Daniel Thayer Justin Spear.

SECTION 2. That said change shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed January 29, 1896.

17L

[House Bill No. 52.]

AN ACT

To change the name of Anna Sophia Hays.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Anna Sophia Hays, a resident of Medina county, Ohio, be and the same is hereby changed to Anna Sophia Lunsman.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed January 29, 1896.

18L

[House Bill No. 120.]

AN ACT

To change the name of Lydia Evalyn Ansel.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Lydia Evalyn Ansel, resident of Corning, Perry county, Ohio, be and the same is hereby changed to Evalyn A. McCracken.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed January 29, 1896.

19L

[Senate Bill No. 28.]

AN ACT

To authorize the commissioners of Muskingum county to rent a room in the soldiers' and sailors' monumental building in the city of Zanesville for the use of the Muskingum county pioneer and historical society.

WIIEREAS, The Muskingum county pioneer and historical society was organized for the purpose of collecting and preserving all the historical data obtainable in relation to the early settlement of said county and to collect and preserve all rare and precious relics for the benefit of future generations; and, whereas, the said society has collected and is still collecting many such articles of much value which could never be replaced if destroyed, and, whereas, the society needs a room for its meetings (to which the public is cordially invited) and for the safe-keeping of said valuable historical papers and relics, kept closely guarded but exhibited free to all,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Muskingum county be and are hereby authorized to rent a suitable room in the soldiers' and sailors' monumental building in the city of Zanesville for the Muskingum county pioneer and historical society, the sole use of which shall be to hold its meetings in, and for a place of security for all such valuable historical papers and relics already secured, and that may be hereafter secured, and that the amount of said rent shall not exceed the sum of two hundred dollars per annum.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 3, 1896.

20L

[House Bill No. 220.]

AN ACT

To provide for a transfer of funds in the incorporated village of Weston, Wood county, Ohio, and repealing an act passed January 23, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Weston, Wood county, Ohio, be and hereby is authorized to transfer the sum of four hundred and fifty (\$450) dollars from the sidewalk fund, or any other unexpended fund belonging to said incorporated village, to the cemetery fund of said village. This said amount of four hundred and fifty (\$450) dollars, so transferred, to be returned to the fund from which taken in three annual payments of one hundred and fifty (\$150) dollars each, from levies made for cemetery purposes; the first payment to be made from the March receipts in the year 1897.

SECTION 2. The act passed January 23, 1896, entitled "An act to provide for the transfer of funds in the incorporated village of Weston,

Wood county, Ohio," is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 3, 1896.

21L

[House Bill No. 71.]

AN ACT

To amend sections 7, 24 and 45 of an act for the government of cities of the second grade and first class, passed March 16, 1891 (O. L. Vol. 88, p. 105.)

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 7, 24 and 45 of "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, be and the same are hereby amended so as to read as follows:

SEC. 7. The council shall establish and maintain a sanitary police force which shall consist of a secretary, a plumbing and sewer inspector and his assistants, and such sanitary patrolmen as it shall from time to time deem necessary, and fix their compensation, but the officers and members constituting the sanitary police force at the time this act takes place, i. e. the secretary, the twenty (20) sanitary patrolmen, the plumbing and sewer inspector and his two (2) assistants, shall constitute the present sanitary police force and shall continue to receive not less than their present salary per annum, and no member of the sanitary police force shall be removed from the said force or reduced in rank except for cause and as provided in section 24 of this act.

SEC. 24. The head of any department, may, by written order, giving his reasons therefor, remove or suspend any officer or employe of such department, provided the same shall not be done for political reasons, and such written orders shall be recorded in the records of the department and a copy thereof filed with the mayor, and provided that no member of the police, fire or sanitary police force shall be removed or reduced in rank, except for cause, to be assigned in writing after due notice, and a public hearing, if demanded by the accused, before a tribunal composed of the mayor, who shall be chairman thereof, the director of law and the president of the city council, but the head of the police, fire or sanitary police force, as the case may be, may suspend the accused pending the hearing of the charge preferred against him.

SEC. 45. The director of police shall appoint a health officer, a secretary, a sewer and plumbing inspector and his assistants, and such sanitary patrolmen whose duties pertain to the public health as may be necessary to secure the inhabitants of such cities from the evils of contagious, malignant and infectious diseases, and shall prescribe their duties and fix their compensation subject to the provisions of section 7 of this act, and the city council. But from and after the passage of this act, no such appointment in said sanitary police force shall be lawful, unless made under and in pursuance of rules and regulations providing

for the ascertaining of the comparative fitness of all applicants for appointment, which rules and regulations it shall be the duty of the mayor and the head of the department to make and submit to the council; and when approved by the council, they shall be promulgated and enforced as permanent rules, and shall only be changed as herein provided for their adoption, provided that no member of said sanitary police force shall be appointed until such rules and regulations have been promulgated, except to fill any vacancy caused by death or resignation.

SECTION 2. That said original sections 7, 24 and 45 be and the same are hereby repealed.

SECTION 3. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 4, 1896.

22L

[Senate Bill No. 15.]

AN ACT

Creating Minerva village school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to wit: Beginning at a stone at the northwest corner of the southwest quarter of section thirty-five (35) in Paris township, Stark county, Ohio; thence due east one hundred and sixty-two and 84-100 (62.84) chains to a stone at the northeast corner of the southeast quarter of section thirty-six (36) of said township; thence due south one hundred and twenty-five and 98-100 (125.98) chains to a point in Augusta township, Carroll county, Ohio; thence due west twenty (20) chains; thence due north ten (10) chains; thence due west forty (40) chains to a bridge over Still Fork creek; thence along said stream in a westerly direction to the section line on the west side of the farm now owned by John Murray; thence north nine (9) chains to the south line of the farm now owned by S. Hart; thence north seventy-six (76) degrees east, twenty-seven and 50-100 (27.50) chains; thence west six and 14-100 (6.14) chains; thence north thirty-two and one-half (32½) degrees, east five and 45-100 (5.45) chains; thence west fourteen (14) chains; thence north seven (7) chains to the Malvern road; thence west one and 43-100 chains (1.43); thence north eight and 50-100 (8.50) chains; thence east nine and 11-100 (9.11) chains; thence north thirteen and 30-100 (13.30) chains; thence east 93-100 chains; thence north forty and 57-100 (40.57) chains; thence west along county line thirty-nine and 90-100 (39.90) chains; thence north to the place of beginning, thirty-eight and 50-100 (38.50) chains, be and the same hereby is created into a special school district, to be known as the Minerva village school district.

SECTION 2. Said territory shall, for all school purposes, be under the control and jurisdiction of the board of education having control of

the schools and school property in the village of Minerva in Stark and Carroll counties.

SECTION 3. All qualified voters, having legal residence in said described territory shall have the right to vote for members of such board of education, at all elections at which a member or members of such board of education may hereafter be elected. And such voters shall be eligible to be chosen members of such board of education.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
23L

Passed February 4, 1896.

[House Bill No. 5.]

AN ACT

Supplementary to an act entitled "An act supplementary to an act entitled 'an act authorizing the trustees of Newark township, Licking county, Ohio, to levy a tax for the purpose of erecting a soldiers' memorial building,' passed April 9, 1891," passed April 19, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of Newark township, Licking county, Ohio, is hereby empowered and directed to issue bonds of said township in a sum not to exceed eighteen thousand (\$18,000) dollars, bearing interest at a rate not exceeding six per cent. per annum, and to sell the same at not less than par. Said bonds shall be in all respects in conformity with the requirements of the acts recited in the title of this act, and shall be sold and the proceeds thereof disposed of by said board of township trustees in like manner as in said acts provided.

SECTION 2. Said board of township trustees, for the purpose of paying the principal and interest of the bonds provided for in section 1 of this act, shall levy a special tax upon the real estate and personal property of said township, the said levy not to exceed one mill on the dollar of valuation of any one year.

SECTION 3. The board of trustees of the soldiers' memorial building referred to in the title of this act shall receive the proceeds of the bonds provided for in section 1, and are hereby authorized to expend the same or such portion thereof as may be necessary in the payment of the debts incurred in finishing and furnishing said memorial building; and in case of any surplus not required for the purpose above set forth, the same shall become a sinking fund to reduce the obligations of said township incurred under this act and the acts to which this act is supplementary.

SECTION 4. The same provisions as to the duty of officers and their compensation shall govern in regard to what is authorized by this act as are provided under this act referred to in the title hereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 5, 1896.

24L

[House Bill No. 9.]

AN ACT

To authorize the county commissioners of Marion county to levy an additional tax for the Keener free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Marion county, be and are hereby authorized to levy an additional tax within the Keener free turnpike road district, not to exceed five mills in any one year, for a period of five years, a sufficient amount to meet the bonds given for the construction of said Keener free turnpike road, together with the interest as they become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 7, 1896.

25L

[House Bill No. 98.]

AN ACT

To create a special school district for the village of Byesville and vicinity in Guernsey county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory, to wit: Beginning on the south boundary line of the Wilson farm at Wills creek in Jackson township, thence west to the southeast corner of the Daniel Orr farm, thence north to the southeast corner of the Woodrow farm, thence west to the southwest corner of the Woodrow farm, thence in a northerly direction along the Pt. Pleasant and Cambridge public road to where it intersects the Byesville and Claysville public road, thence in a northeasterly direction to the southeast corner of Eli Burt's farm, thence due north to the northeast corner of Eli Burt's farm, thence east to the Cleveland and Marietta railroad, thence in a northeasterly direction to Wills creek, including the old Campbell farm, thence following Wills creek in a southerly direction to the south boundary line of the Campbell farm, thence east to the southeast corner of the Sigman farm, thence north to the northeast corner of the Sigman farm, thence east to the northeast

corner of the S. Penrose farm, thence south to the northwest corner of the J. Watson farm, thence east to the northeast corner of the J. Watson farm, thence south to the northeast corner of the L. D. Hutton farm, thence west to the northwest corner of the L. D. Hutton farm, thence south to the southeast corner of the H. Hoopman farm, thence west to Wills creek near the northeast corner of the Wilson farm, thence along Wills creek in a southwesterly direction to the place of beginning; shall be and the same is hereby created and declared to constitute a special school district, known as the Byesville special school district; provided, however, that the proposition shall be submitted to a vote of the electors residing within said territory, at an election held in the following manner:

SECTION 2. Written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall be held between the hours of 3 p. m. and 6 p. m. The electors favoring said proposed special school district shall have written or printed upon their ballots, "Special school district—Yes," those opposed thereto, "Special school district—No," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SECTION 3. Should the majority of all the ballots cast at said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members to constitute a board of education, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday, and until the election and qualification of their successors; and on the second Monday of April each year following the first election of the board of education, there shall be elected one member to serve for three years and until successor is elected and qualified.

SECTION 4. Said special school district shall be entitled to receive its proportionate share of the school fund and the funds levied for contingent purposes in accordance with the last enumeration of children who are entitled to attend school.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
26L

Passed February 7, 1896.

[House Bill No. 119.]

AN ACT

To provide for the election of clerk and treasurer of school land in fractional township No. 1, in Jackson township, Monroe county, Ohio, and to require said treasurer to give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be elected by ballot, in the same manner as prescribed by law for the election of trustees of school land, on the third Saturday of April, A. D. 1896, and triannually [triennially] thereafter in fractional township number one (1), in Jackson township, Monroe county, Ohio, by the qualified electors thereof, two competent persons, having the qualifications of an elector therein, to be styled clerk of school land, and treasurer of school land, respectively, who shall hold their respective offices for three years from the day of their election and until their successors are elected and qualified.

SECTION 2. Such clerk of school land and treasurer of school land shall within ten days after their election take and subscribe an oath or affirmation to support the constitution of the United States, and the constitution of the state of Ohio, and to discharge the duties of their respective offices faithfully and impartially, which oath or affirmation may be administered by any person authorized by law to take the acknowledgment of affidavits.

SECTION 3. Such treasurer of school lands, shall within ten days after his election and before entering upon the duties of his office, execute a bond with sufficient surety, in double the probable amount of school funds that may come into his hands, payable to the trustees of school land in fractional township number one (1) in Jackson township, Monroe county, Ohio, to be approved by the trustees of school land of said fractional township aforesaid conditioned for the faithful disbursement according to law of all school funds which come into his hands, such bond when so executed and approved, shall be filed with the clerk of school land of said fractional township aforesaid.

SECTION 4. The trustees of school land in said fractional township aforesaid may fix the compensation of the clerk of school land and treasurer of school land. The allowance made to the treasurer of school land shall not exceed two per centum of the money held by him or disbursed by him on orders of the trustees of school land and in no case shall his compensation exceed the sum of thirty dollars per annum; the clerk of school land shall receive a reasonable compensation not to exceed the sum of twenty-five dollars per annum.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
27L

Passed February 7, 1896.

[House Bill No. 3.]

AN ACT

To authorize the board of education of the village of Leetonia to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of Leetonia, Columbiana county, is hereby authorized to transfer six hundred and fifty-five dollars and fifty-eight cents (\$655.58), from the building fund to the contingent fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

28L

[House Bill No. 18.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Emerald township, Paulding county, Ohio, be and are hereby authorized to transfer the sum of two hundred dollars from the road fund to the township fund of said township.

SECTION 2. This act shall be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 13, 1896.

29L

[Senate Bill No. 53.]

AN ACT

To authorize the Cuba lodge number 651 of the independent order of Odd Fellows of Ohio, to issue bonds and mortgage its property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Cuba lodge No. 651, of the independent order of Odd Fellows of Ohio, be and hereby is authorized to issue bonds not to exceed seven hundred (\$700) dollars, to be issued in denominations of one hundred, or multiples thereof; none of said bonds shall become due and payable in less than three years from the date of issue, or have a longer time to run than eight years from the date of issue; provided, that any or all of said bonds may be paid at any time after three years from date of issue; and all of said bonds shall draw interest from date of issue at the rate of (6) per centum per annum, payable annually, and said bonds shall be

signed by said lodge by its duly elected trustees and countersigned by the secretary of said lodge, under the seal of the Cuba lodge No. 651, I. O. O. F. of Ohio.

SECTION 2. The payment of said bonds and interest is to be secured by mortgage on all or any part of the real estate of said Cuba lodge No. 651, of the independent order of Odd Fellows, of Ohio. The bonds hereby authorized to be issued shall not be sold for less than their par value, and the proceeds shall be applied for the purchase of real estate for said Cuba lodge No. 651.

SECTION 3. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 14, 1896.

30L

[House Bill No. 22.]

AN ACT

To authorize the trustees of Florence township, Williams county, Ohio, to transfer part of certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Florence township, Williams county, Ohio, be and are hereby authorized to transfer the sum of three hundred (\$300) dollars from the ditch fund and three hundred and fifty (\$350) dollars from the bridge fund, to the general township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

31L

[House Bill No. 111.]

AN ACT

For the relief of Asbury H. Neal.

WHEREAS, Asbury H. Neal contracted with the board of education, of Monroe township, Guernsey county, Ohio, in the year 1894, to teach a term of school of six months in subdistrict number one (1) in said township; and

WHEREAS, He performed his part of the contract in good faith; and

WHEREAS, The said Asbury H. Neal's certificate having expired the same being unknown to him; and

WHEREAS, He is unable to receive a balance of one hundred and sixteen dollars and sixty-six cents in the hands of the treasurer of said township; and

WHEREAS, A number of taxpayers, the clerk of said township, and the board of county examiners have petitioned this general assembly for the relief of said Asbury H. Neal; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township clerk of Monroe township, in Guernsey county, shall and he is hereby required to draw his order as such clerk on the township treasurer of said Monroe township, in favor of Asbury H. Neal, for the sum of one hundred and sixteen dollars and sixty-six cents, and said township treasurer shall pay said order so drawn out of any funds in his hands belonging to subschool district number one (1) of said township for the purpose of paying teachers.

SECTION 2. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
32L

Passed February 19, 1896.

[House Bill No. 180.]

AN ACT

To change the name of Meyer Opperschinski.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Meyer Opperschinski, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Meyer Oppen.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
33L

Passed February 19, 1896.

[House Bill No. 205.]

AN ACT

To change the name of Isaac Hirschowitz.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Isaac Hirschowitz, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Isaac Hirsch.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

34L

[House Bill No. 206.]

AN ACT

To change the name of Conrad Goos to Conrad Gohs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Conrad Goos, a resident of Cincinnati, Hamilton county, Ohio, be and the same is changed to that of Conrad Gohs.

SECTION 2. That such change shall in no wise affect the rights, privileges and liabilities of said person existing at the time of the passage of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

35L

[House Bill No. 243.]

AN ACT

To change the name of Bessie Lyons to Bessie Sanders.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Bessie Lyons, a resident of Knox county, Ohio, be and is hereby changed to Bessie Sanders.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Passed February 19, 1896.

36L

[House Bill No. 319.]

AN ACT

To authorize the commissioners of Franklin county, Ohio, to advertise for bids for repairing the children's home of said county, by giving five days' notice by advertisement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county, Ohio, be and they are hereby authorized and empowered to advertise for bids for repairing the children's home in said county by giving five days' notice by advertisement, to be published two consecutive issues in two English daily papers of opposite politics and two consecutive issues in one German daily paper, published in said county; that in all other respects said commissioners shall be governed and said repairs shall be made in accordance with existing law except the provision requiring thirty days' notice in such cases.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 19, 1896.

37L

[House Bill No. 331.]

AN ACT

For the relief of Alpheus Wilson, treasurer of Concord township,
Lake county, Ohio.

WHEREAS, Alpheus Wilson is the duly elected treasurer of the township of Concord, Lake county, Ohio, and

WHEREAS, On the 14th day of June, 1893, as such treasurer he had on deposit in the bank of Aaron Wilcox and Company, of Painesville, Ohio, the sum of \$1,642.77, the funds of said township, and

WHEREAS, Without fault or negligence on the part of said Alpheus Wilson, said banking company became insolvent and made an assignment for the benefit of its creditors, and

WHEREAS, Said banking company was and is so far insolvent that only 80 per cent. of said sum so deposited can be recovered from it, and

WHEREAS, By reason of the insolvency of said banking company a deficit of \$328.55 has arisen in the accounts of said Alpheus Wilson as such treasurer, and

WHEREAS, The trustees of said township have petitioned the general assembly for the passage of an act for the relief of said Alpheus Wilson; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Concord township, Lake county, Ohio, be and the same are hereby authorized to submit to the qualified electors of said township at any regular April election held after the

passage of this act, ten days' notice of which shall be given before the day of said election by written or printed posters in at least five public places in said township, the question of releasing the said Alpheus Wilson, treasurer of Concord township, Lake county, Ohio, and the sureties on his official bond from the payment of \$328.55 only of the sum of \$1,642.77 deposited by said Alpheus Wilson in said bank of Aaron Wilcox and Company, and which remains unpaid and uncollected because of the insolvency of said bank.

SECTION 2. That the voters of said township, desiring to vote for such relief shall have written or printed on their ballots the words, "For relief of Alpheus Wilson—Yes," and those desiring to vote against such relief shall have written or printed on their ballots the words, "For relief of Alpheus Wilson—No."

SECTION 3. That if a majority of all the votes cast at said election shall be in favor of said release, then the said trustees and the board of education of said township shall, by suitable resolution, release said Alpheus Wilson and the sureties on his official bond from the payment of \$328.55 only, of the sum of money so deposited and unpaid as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 20, 1896.

38L

[Senate Bill No. 4.]

AN ACT

To amend section one of an act entitled "An act to divide Marlboro township, Stark county, Ohio, into three voting precincts, and to repeal a certain act therein named," passed February 27, 1894 (91 O. L., 487).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "An act to divide Marlboro township, Stark county, Ohio, into three voting precincts, and to repeal a certain act therein named," passed February 27, 1894 (91 O. L., 487), be amended so as to read as follows:

SEC. 1. That Marlboro township, Stark county, state of Ohio, be and hereby is divided into three separate voting precincts: All the territory in said township which lies east of a line commencing on the south line of said township, at the center of the south line of section 34 in said township, and running thence north to center of section 22, thence west to section line between sections 21 and 22; thence north to center of section line between sections 9 and 10; thence east to center of section 10, thence north to the center of the south line of section 3, in said township and south of a line running from the last named point with the south line sections 3, 2 and 1, in said township to the east line of said township, shall constitute and be known as Marlboro precinct. All territory in said township west of said line and south of a line commencing at the point

where the south line of section eighteen in said township intersects the west line of said township, and running thence east with the south line of sections eighteen, seventeen, sixteen and fifteen (18, 17, 16 and 15) in said township to intersect the line herein first described, shall constitute and be known as Bridgeport precinct. All other territory in said township shall constitute and be known as New Baltimore precinct. The places of holding elections in said precincts shall be fixed as now provided by law.

SECTION 2. Said original section is hereby repealed and this act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

39L

[House Bill No. 172.]

AN ACT

To authorize the road commissioners of the Huber and Hazen free turnpike of Union county, Ohio, to sell bonds at a rate of interest not exceeding seven per centum per annum, payable semi-annually, and to extend the time of the tax levy for the liquidation of the same.

WHEREAS, There has been constructed in Union county, Ohio, a gravel road known as the Huber and Hazen free turnpike, under the provisions of title 7, chapter 7, of the Revised Statutes of Ohio; and

WHEREAS, The road commissioners of said free turnpike can not float the necessary bonds to meet the obligations due on said free turnpike at the rate of interest required by section 4808 of the Revised Statutes of Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the road commissioners of the Huber and Hazen free turnpike of Union county, Ohio, be and are hereby authorized to issue additional bonds according to section 4812 of the Revised Statutes of Ohio, not exceeding two thousand (\$2,000) dollars in the aggregate, which bonds shall bear interest at a rate not exceeding seven per centum per annum, payable semi-annually; and the same shall be made payable at the place and in the manner and registered and sold, and the extra taxes for the payment of same, shall be levied, collected, paid and applied as provided in section 4808 of the Revised Statutes of Ohio, and said road commissioners may extend the levy until the obligation authorized in this act is entirely liquidated.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

40L

[House Bill No. 334.]

AN ACT

To authorize the trustees of Greenville township, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Greenville township, Darke county, Ohio, be and are hereby authorized and empowered to make the following transfers from the funds of said township: From gravel fund to road fund five hundred (\$500) dollars; from poor fund to road fund three hundred (\$300) dollars; from cemetery fund to road fund one hundred and fifty (\$150) dollars; from ditch fund to bridge fund one hundred and fifty (\$150) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

41L

[House Bill No. 339.]

AN ACT

To authorize the township trustees of Salisbury township, Meigs county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Salisbury township, Meigs county, Ohio, be and the same are hereby authorized to transfer the sum of two thousand five hundred (\$2,500) dollars from the township fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed February 26, 1896.

42L

[House Bill No. 266.]

AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for park purposes.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto concurring

and declaring the same to be necessary, be and it is hereby authorized and empowered to issue bonds of said city not exceeding in the aggregate the sum of seventeen thousand dollars, for the purpose of paying the expenses of laying out, beautifying and improving any of the parks or park properties of any such city.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as such council may by ordinance determine; they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which such bonds are issued, and such bonds shall be designated park bonds.

SECTION 3. The council of any such city is hereby authorized, empowered and directed to levy and collect, from time to time, upon all taxable property of such city, a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
43L

Passed February 27, 1896.

[Senate Bill No. 162.]

AN ACT

To authorize the commissioners of Lake county, Ohio, to build a bridge over Grand river on the line of Main street in the village of Painesville in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lake county be and they are hereby authorized to construct a bridge over Grand river on the line of Main street in the village of Painesville in said county of Lake at an expense not exceeding forty thousand dollars (\$40,000).

SECTION 2. That said commissioners, for the purpose of building said bridge, are hereby authorized and empowered to issue the bonds of said county, not to exceed the sum of forty thousand dollars (\$40,000), payable at such times, not exceeding twenty years, as the commissioners may provide, with interest not to exceed six per cent. per annum, payable semi-annually; said bonds shall be sold according to law at not less than the par value thereof in sums not less than one hundred dollars (\$100) each; said bonds shall be signed by said county commissioners and countersigned by the auditor of said county and be payable, principal and interest, at the treasurer's office of said county at maturity according to their terms.

SECTION 3. The commissioners of said county shall annually at

their June session levy such amount of taxes on all the taxable property of said county, in addition to all other taxes authorized by law, as will pay the interest on said indebtedness and the amount of the principal due for that year.

SECTION 4. Before said bonds shall be issued or the tax levied for the payment thereof, the proposition to issue said bonds and levy said tax shall be submitted by the county commissioners to the electors of said county at a general or special election, after giving fifteen days' notice by publication in two papers of general circulation in the county, and if a majority of the electors of said county, voting on said proposition, shall declare in favor of the issuing of said bonds and the levying of said tax, then and not otherwise said county commissioners may issue and sell said bonds and levy said tax for the payment thereof. The ballots for said election shall have printed thereon the words "for issuing bonds and levying tax," and "against issuing bonds and levying tax."

SECTION 5. This act shall take effect from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed February 27, 1896.

44L

[House Bill No. 388.]

AN ACT

To authorize the trustees of the Eagleville congregational association of Eagleville, Austinburg township, Ashtabula county, Ohio, to sell and convey certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Eagleville congregational association, of Austinburg township, Ashtabula county, Ohio, be and they are hereby authorized to sell and convey by warrantee deed to George Phelps about (13) thirteen rods of land situated in southwest corner of lot 52 in Sheffield township, Ashtabula county, O., and valued at about (\$50) fifty dollars. The title to said lot being now vested in the aforesaid trustees of said Eagleville congregational association.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed February 27, 1896.

45L

[Senate Bill No. 13.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Clermont county, be and they are hereby authorized to build and construct a good and substantial free turnpike road in said county, said pike to be located on the road leading from the Cover road in Jackson township to the Williamsburg and Boston free turnpike road, and being known as Sharp's cut-off road, and commencing at a point in said Sharp's cut-off road, near the residence of B. C. Snell, thence running in a southerly direction through the lands of said B. C. Snell, J. B. Clemmons, John M. Clemmons, Elmira McElfresh, E. J. Hutchinson, Samuel Moorehead, Abraham Hance, P. South, Dave Snell, A. H. Goff, B. F. Workman, Maria Goff, deceased, D. F. Harry, J. W. Thomas, William M. Hutchinson, James Sly, Granville Atchley, Irene Atchley, George W. Goff, Dora Sharp, Rachel Harry, C. Storer, A. Storer, J. W. Carter, A. Carter and John P. Miller, and intersecting the said Williamsburg and Boston free turnpike road near the residence of John P. Miller, in Batavia township.

SECTION 2. Said commissioners before proceeding to construct said road, or any part thereof, shall require and secure from those interested in said improvement, a subscription or donation equal in amount to 20 per cent. of the cost of said improvement to aid in the construction of the same.

SECTION 3. That for the purpose of paying for said improvement the county commissioners are hereby authorized to levy and assess a tax not exceeding two-tenths of one mill on the dollar, on any and all property on the tax duplicate in said county.

SECTION 4. That a majority of said board of commissioners shall, at a regular session, be necessary to agree upon the specifications and order said improvement or any part thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 3, 1896.

46L

[Senate Bill No. 106.]

AN ACT

To transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Trumbull county, state of Ohio, for the year 1896, be authorized and empowered to transfer from the wool grower's fund the sum of three thousand (\$3,000) dollars, and

from the county poor fund the sum of three thousand (\$3,000) dollars, to the repair fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

47L

[House Bill No 133.]

AN ACT

To authorize the township trustees of Athens township, Athens county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Athens township, Athens county, Ohio, be and they are hereby authorized to transfer the sum of one thousand (\$1,000) dollars from the township fund to the road fund of said township, and to transfer the sum of one thousand one hundred and twenty-four dollars and ninety (\$1,124.90) cents from the "road improvement fund" to the "school fund" of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

48L

[House Bill No. 141.]

AN ACT

To authorize the town council of the village of Murray City, Hocking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the village of Murray City, Hocking county, Ohio, be and are hereby authorized to transfer fifteen hundred dollars (\$1,500) from the corporation and police fund to the street improvement fund of said village.

SECTION 2. This act shall be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

49L

[House Bill No. 142.]

AN ACT

To authorize the trustees of Falls township, Hocking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Falls township, Hocking county, Ohio, be and they are hereby authorized to transfer one thousand (\$1,000) dollars from the road fund to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

50L

[House Bill No. 152.]

AN ACT

To authorize the village of Beverly, Washington county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Beverly, Washington county, Ohio, is hereby authorized and empowered to transfer three hundred and eleven dollars and thirty-eight (\$311.38) cents from the wharf fund to the street fund.

SECTION 2. This act to take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed March 5, 1896.

51L

(House Bill No. 182.)

AN ACT

To authorize the school board of the Cambridge city school district, of the city of Cambridge, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school board of the Cambridge city school district of the city of Cambridge, Ohio, is hereby authorized to transfer the sum of six thousand (\$6,000) dollars from the building fund to the contingent fund of said Cambridge city school district.

SECTION 2. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

52L

[House Bill No. 212.]

AN ACT

To repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize and require the county commissioners of Allen county, Ohio, to purchase additional lands and improve the same on which to hold county fairs, and to issue bonds of said county and levy taxes to pay for the same," passed May 18, 1894, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

53L

[House Bill No. 263.]

AN ACT

To provide for a board of revision in certain counties and to repeal an act entitled "An act to supplement section 1720 of the Revised Statutes of Ohio and sectional numbering as follows: 1720*i*, 1720*j*, 1720*k*, 1720*l*, 1720*m*, 1720*n*."

[TIFFIN AND POSTORIA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the probate judge of each county in this state having at the federal census of 1890, or that by any subsequent federal census may have a population of not less than 40,866 nor more than 40,870 shall within ten days after the passage of this act and annually thereafter in the month of December appoint in and for each city in such county, having by the next preceding federal census a population of more than 7,000, four electors of such city, for one year, two from each of the two leading political parties, each of whom shall have resided in such city for five years next prior to such appointment, and shall be freeholders in such cities and such appointees in each such city shall constitute and be known as the annual board of revision of such city, and each shall be paid for the time actually devoted to the performance of their duties out of the city treasury, on the certificate of the probate judge, so appointing said board, \$3 per day, and no more; provided, that there shall not be so paid to any such member for one year more than \$50; and the said probate judge so appoint-

ing said board may fill any vacancies on said board, but an equal political division as above set forth, shall at all times be maintained.

SECTION 2. That the board of revision mentioned in the preceding section shall organize by selecting one member as president and one as secretary, and shall keep a record of its proceedings, and all subpoenas, notices, orders and writs shall be signed by the president and secretary; and said board shall annually and immediately after their appointment, carefully review, investigate and inquire into the proceedings, acts and conduct of the city council and all other branches, offices and employees of the city government, including the board of education, and shall carefully examine all contracts made and franchises given by said city authorities, and examine and fully investigate as to the disbursements and condition of the funds of the city, and fully inquire into any and all violation of law or of the ordinances of such city and of all failure to enforce or observe the same, and said board may employ a stenographer to aid in its work for a time not to exceed thirty days, at not to exceed \$4 per day, which, upon the certificate of said board, shall be paid out of the city treasury; and such board shall make a written report of its findings and of all irregularities and derelictions which may be discovered by it in any of the departments of the city government, or of any branch or department thereof, including the present city council or any persons who have been members of the city council concerning his official acts while members of such city council and board of education and the officers and employees of the city government, together with such recommendations as in their judgments will advance the best interests and general welfare of the city; and said board shall cause such report to be printed in the form of bills or posters sufficient in number to comply with the requirements of this act, and shall sign each; and on or before the first day of June, annually, shall deliver one copy thereof to the mayor, one to each member of the city council, one to the probate judge, and one to the prosecuting attorney of the county; and as to matters upon which the members of said board disagree, the said report shall be made as to show the findings, opinions and conclusions of each.

SECTION 3. That said board shall have power to send for persons and papers, to issue subpoenas and to examine all books, papers, contracts and vouchers pertaining to the city government as aforesaid, and require the production thereof, and to enforce the attendance of witnesses throughout the state, and either member shall have authority to administer all necessary oaths; and if a witness shall refuse to attend or to testify when in attendance upon the board, the board may cause such witness to be forthwith taken before the probate court of said county, and if it be found by the court that such witness did not attend or testify as required by such board, he shall be committed to the jail of the county for contempt, there to remain until he submits to attend, be sworn and testify as required by such board. Where any city lies in more than one county, the probate court of the county which by the next preceding federal census had the largest proportion of the population of such city, shall have and exercise the powers and jurisdiction herein given to such court.

SECTION 4. That no person shall be eligible to appointment to or hold the position of member of said board, who has during the year next prior to the February of the year in which he is appointed as such

member held any office or position, whether elected or appointed, under the city government or been a member of the city council during said time; nor shall any member of such board be eligible to appointment to any office under the government of such city for one year next after the first day of the month in which he is appointed, except, that he may be reappointed as a member of said board.

SECTION 5. That the said board shall have the power to issue all the necessary subpoenas and writs, and may direct the same for witnesses living within the county to any marshal, police officer or police court officer of such city, and they shall serve and execute the same as directed; and for witnesses living without the county the said board shall direct the subpoenas and writs aforesaid to the sheriff of the county in which such witnesses reside and which subpoenas shall be served and executed as directed by said board, and such boards shall have power to take the depositions of witnesses at any place outside of the county and require their attendance for that purpose, and witnesses and officers other than city officers and employees shall be entitled to the same fees and mileage as in other cases, to be paid out of the city treasury on the order of said board.

SECTION 6. The prosecuting attorney of the county shall lay the copy of said report so filed with him before the grand jury of his county at the next term of the court of probate after he receives such report, for such action as they may deem proper, and their attention shall be specially called to it by the court. That such probate court shall, upon the passage of this act appoint said board and they may exercise all powers and shall perform all of the duties herein named:

SECTION 7. This act shall take effect and be in force from and after its passage, and supplemental sectional numbers 1720i, 1720j, 1720k, 1720l, 1720m, 1720n, as passed April 6, 1894, be and the same are hereby repealed.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPIELER,
President pro tem. of the Senate.

Passed March 5, 1896.

541.

[House Bill No. 270.]

AN ACT

For the relief of John K. Ort, late sanitary policeman of the city of Defiance, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Defiance, Ohio, be and is hereby authorized and empowered to pay to John K. Ort, late sanitary policeman of said city, such sum out of the general fund of said city, as to it may appear just and equitable, for the purpose of reimbursing him for and on account of a judgment for \$30 damages and \$171.90 costs of suit recovered against him and attorney fees paid out by reason of his carrying out as such sanitary policeman, orders of the city board of health of said city, abating a nuisance, which were not duly authenticated and made of record.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

55L

[House Bill No. 298.]

AN ACT

To authorize the commissioners of Holmes county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Holmes county be and the same are hereby authorized to transfer eight hundred dollars (\$800) from the surplus dog tax to the agricultural society fund, the same to be paid to the treasurer of said society on demand.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

56L

[House Bill No. 315.]

AN ACT

To authorize the board of education of Eagle township, Brown county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Eagle township, Brown county, Ohio, be and is hereby authorized and empowered to levy an additional tax for the years 1896, 1897, 1898, 1899 and 1900 on all the taxable property within said township not to exceed two (2) mills on the dollar for each year in addition to the levy now authorized by law, the same to be collected as other taxes for the purpose of supporting and maintaining the schools in said township, and also for the payment of the present indebtedness of said Eagle township school district, as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

57L

[House Bill No. 320.]

AN ACT

Conferring upon the waterworks trustees of any village which had at the last federal census a population of not less than 710 nor greater than 720 owning and operating in connection with its waterworks an electric light plant for commercial or street lighting, or both, the duty and power to manage, conduct, control and operate said electric light plant in connection with waterworks.

[OSBORN, GREENE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any village which had at the last federal census a population of not less than 710 nor more than 720 owning and operating in connection with its water works an electric light plant for commercial or street lighting or both, or when such plant is in progress of construction, or when the council orders such plant to be constructed in connection with the water works, it shall be the duty of the water works trustees, in addition to their duties as water works trustees, to manage, conduct, control and operate such plant in connection with the water works, furnish light, collect light rent from private consumers, appoint all necessary officers and agents, and fix the term of office and amount of salary of each officer and agent appointed; and all money collected for electric light purposes shall be deposited, when collected, with the treasurer of the corporation, and all the provisions of chapter 1, division VIII, title XII of part first of the Revised Statutes on water works relating to the powers, duties, privileges and government of the trustees of the water works, shall, so far as applicable, control such trustees in the management of such electric light plant; and all money arising from a levy for light purposes, or from the proceeds of the sale of bonds issued for the purpose of constructing or improving electric light plant, shall be paid out by the treasurer of the corporation on the order of such trustees, which order shall be countersigned by the clerk of the board of trustees.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPIILER,

President pro tem. of the Senate.

Passed March 5, 1896.

58L

[House Bill No. 337.]

AN ACT

To authorize the commissioners of Jefferson county to invest funds of the sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Jefferson county, Ohio, are hereby authorized and empowered to invest funds of the sinking fund of said county, not to exceed fifty thousand dollars, in bonds lawfully issued by any municipal corporation in said county which will mature on or be-

fore the day of maturity of the county indebtedness, for the payment of which said sinking fund was created.

SECTION 2. That this act take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

59L

[House Bill No. 355.]

AN ACT

To amend sections 1 and 9 of an act entitled an act "To authorize the Quincy precinct of Miami township, Logan county, to elect a board of trustees of cemetery and defining their duties and powers," passed March 25, 1885 (O. L. Vol. 82, pages 332 and 333).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 9 of an act entitled an act "To authorize the Quincy precinct of Miami township, Logan county, to elect a board of trustees of cemetery and defining their duties and powers," passed March 25, 1885 (O. L. vol. 82, pages 332 and 333), be amended so as to read as follows:

SEC. 1. That the electors of Quincy precinct of Miami township, Logan county, shall at the election to be held on the first Monday in April next elect a board of three trustees and that at the election to be held on the first Monday in April, 1896, said electors shall elect one clerk and one treasurer, each of whom shall be a freeholder elector of such precinct, which board, clerk and treasurer shall be known as the trustees, clerk and treasurer of the Quincy precinct cemetery.

SEC. 9. Said clerk and treasurer shall hold their offices two years, or until their successors shall be elected and qualified and shall give a good and sufficient bond of five hundred dollars to be approved by said board of trustees and shall receive such compensation as said board of trustees may determine and said clerk shall draw his order on the township treasurer of said township for all moneys hereafter paid into such township treasury for such cemetery, and shall issue all orders for the payment of money, but no order shall be issued except when ordered by said cemetery board.

SECTION 2. That said original sections 1 and 9 as passed March 25, 1885, be and are hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 5, 1896.

60L

[Senate Bill No. 94.]

AN ACT

To create a special school district to be known as special school district number 3, composed of parts of Cambridge and Jackson townships, Guernsey county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to wit: Commencing for the same at the northwest corner of lot number thirty-eight (38) of the military lands in township No. one (1) of range No. three (3) in Jackson township, Guernsey county, Ohio, thence west along the north line of said lot No. 38 and lot No. 27 to a point in the center of the northern line of lot No. 27; thence north along a line dividing lot No. 26 in two equal parts to Wills creek where it flows through lot No. 25 in Cambridge township, Guernsey county, Ohio; thence up said Wills creek with the meanderings thereof to a line separating the lands of Fritz Rittler and Joseph Oliver; thence south to the county road, known as the Cambridge and Byesville road; thence west along the center of said road to the northeast corner of the lands of Eli Burt; thence south along the east line of the lands of Eli Burt to the northern line of lot number eighteen in said township and range; thence east to the northeast corner of said lot number eighteen; thence south along the eastern line of said lot number eighteen to the southeast corner of said lot No. 18; thence west to the southwest corner of said lot No. 18; thence south along the east line of lot number 32 in said township and range to the southeast corner of the lands owned by John Nicholsons, thence west to west line of said lot No. 32; thence north to the southeast corner of lot No. 34 in said township and range; thence west to the southwest corner of said lot number 34; thence north along the west line of said lot No. 34 to the southeast corner of the lands of R. N. Williams; thence west along the south line of the lands of R. N. Williams and W. Bliss to the section line dividing section seven (7) from section eight (8); thence north along said section line and the section line separating section three (3) from section four (4) in Cambridge township, Guernsey county, Ohio, to the northwest corner of the south half of section three (3); thence east along the northern line of the southern half of section three (3) to the west line of lot number thirty-nine (39) in the military lands, in said Cambridge township, thence south to the place of beginning.

SECTION 2. Written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall be held within the hours of 3 p. m. and 6 p. m. The electors favoring said proposed special school district shall have written or printed upon their ballots, "Special school district—Yes," those opposed thereto, "Special school district—No," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SECTION 3. Should the majority of all the ballots cast at said

election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members to constitute a board of education, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday, and until the election and qualification of their successors; and on the second Monday of April each year following the first election of the board of education there shall be elected one member to serve three years and until his successor is elected and qualified.

SECTION 4. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent purposes in accordance with the last enumeration of children who are entitled to attend school.

SECTION 5. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 9, 1896.

61L

[Senate Bill No. 103.]

AN ACT

Authorizing the governor to execute a deed conveying lands in the village of Kalida, Putnam county, Ohio, acquired of the state in the years 1834 and 1836.

WHEREAS, Under the provisions of an act of the general assembly, passed January 3, 1834, entitled "An act to organize the county of Putnam and establish its seat of justice," there was granted by the state, to said county of Putnam, one hundred and sixty acres of land, to be taken out of fractional section five, township one, south, and range six, east, including therein the place selected for the seat of justice, of said county, and

WHEREAS, The act of the general assembly, passed February 12, 1836, entitled "an act to enable the county commissioners of the county of Putnam to purchase for the use of the county of Putnam, lands therein named," provided for the purchase from the state of the remainder of said section of land by the commissioners of said Putnam county, and

WHEREAS, It was by said act made the duty of the governor to execute in behalf of the state, a deed conveying said lands to the commissioners of said county of Putnam for the use of the town of Kalida, the then seat of justice of said county, upon receiving a copy of the field notes of a survey and plat of the said land which was required by said act to be made, and

WHEREAS, Said tract of land was laid out into lots by the county commissioners, and sold almost sixty years ago, and

WHEREAS, The records of said Putnam county, which were partially destroyed by fire about thirty years since, do not disclose any record of a deed for said land from the state of Ohio, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of*

Ohio, That the governor be and he is hereby authorized and required to execute a deed to the commissioners of Putnam county conveying said fractional section five, township one, south, and range six, east, lying and being in said county of Putnam, which deed shall recite the facts authorizing and requiring its execution, and the same shall be recorded in the office of the auditor of state, and be by him transmitted to the grantees thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 62L

Passed March 9, 1896.

[House Bill No. 395.]

AN ACT

Providing for redistricting of cities of the second grade of the second class.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city of the second grade of the second class, the treasurer of the county in which such city is located, shall, within five days after the passage of this act, appoint a commission of three citizens, electors of said city, whose duty it shall be to redistrict such city into wards composed as far as practicable of adjacent territory, and abounded as far as practicable by streets, lanes, alleys, avenues, highways, water courses, corporation lines and railroads.

SECTION 2. That the members of such commission shall, as soon as possible after their appointment, be sworn to faithfully and honestly perform their duties and shall thereupon proceed to discharge the same. The wards formed by the commission shall be numbered consecutively from one upwards. Two members of such commission shall constitute a quorum for the transaction of business.

SECTION 3. That the members of said commission, or the majority of them, shall cause maps and descriptions of the wards as finally fixed, to be made, and shall certify and file one copy thereof with the mayor, one copy with the city clerk and one copy with the board of elections of such city.

SECTION 4. That said commission is authorized to employ such assistants as it may need and to incur such other expenses as may be necessary to the discharge of its duties, and the commissioners shall each receive five dollars per day for their services while in the actual performance of their duties. The compensation of the assistants employed, which shall be fixed by said commission, the amount of such expenses and the compensation of the members of such commission shall be paid out of the treasury of such city upon the warrants of the proper officers, which shall be drawn upon the requisition of the commission or a majority thereof.

SECTION 5. That when, in such redistricting, one or more entire election precincts as they existed at the next previous election before such redistricting, shall without change of the precinct boundaries be embodied in any ward or wards, they shall be preserved and shall constitute election precincts in the new wards for the next ensuing election and only such registration shall be required in such precincts as would have been required by law had such redistricting not taken place.

SECTION 6. That where only a part of an election precinct as aforesaid is incorporated into a ward after the redistricting, it shall constitute a separate election precinct for the next ensuing election unless it lies contiguous to part only of one or more other election precincts as aforesaid incorporated in the same ward, when the said parts of precincts shall together constitute one election precinct for the next ensuing election, and in the precinct or precincts so formed from part or parts of former precincts, a general registration shall be held for the next ensuing election in the manner provided by law for general registrations.

SECTION 7. That the next ensuing election after such redistricting, the electors of such city shall vote in the precincts in which they respectively reside and are registered, and the board of elections of such city shall assign to each precinct the number of the ward in which it is situated and such other letter or number as they may see fit to designate it by.

SECTION 8. That immediately upon the filing with the said mayor, city clerk and board of elections of the said maps and descriptions of wards as aforesaid, the new wards as set forth in said maps and descriptions shall be deemed, and shall be established, and the former wards shall be abolished and the offices of members of council and of the board of education from a ward or wards of a number or numbers not found on such maps and in such descriptions shall at that time cease and be abolished and be so deemed.

SECTION 9. That no election of members of council, members of the board of education or of ward officers shall be held in any such city after such redistricting until the next ensuing April election.

SECTION 10. That the said commissioners, or a majority of them, shall designate what wards shall be represented by the members of council and of the board of education elected from wards of said city as they existed before such redistricting, and holding over, until the expiration of their terms, and the said mayor, city clerk and board of election shall be notified thereof. Elections for members of council and of the board of education, at the next ensuing April election after such redistricting, shall be held only in such wards as are wholly or partly unrepresented in said bodies or either of them, after such redistricting and designation.

SECTION 11. That the redistricting into new wards of such city by said commission shall have the same force and effect as if made by ordinance of the council of such city, and the wards of any such city so redistricted under this act, shall not again be changed for the period of four years from and after such redistricting, and the city clerk of such city shall copy the descriptions of such new wards into the general ordinance book of such city.

SECTION 12. That an act entitled "An act providing for the re-

districting of cities of the second grade of the second class," passed February 19, 1892, be and the same is hereby repealed.

SECTION 13. That this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 9, 1896.

63L

[Senate Bill No. 87.]

AN ACT

To establish "A court of insolvency" in counties containing a city of the second grade of the first class, and for the relief of the probate court in such counties.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be, and is hereby established in any county of this state, containing any city of the second grade of the first class, a court of record, which shall be styled "the court of insolvency." It shall consist of one judge, who shall be elected by the electors of such county.

SECTION 2. The first election for such judge shall be held on the first Tuesday after the first Monday in November, A. D. 1896, and shall be conducted in the same manner and governed by the same laws that are now in force or may hereafter be enacted regulating the election of judges in this state. His term of office shall commence on the ninth day of February, A. D. 1897, and shall continue for the term of five years, and a successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1901, and every five years thereafter. And in case the office of any judge shall become vacant before the expiration of the regular term for which he shall have been elected, the vacancy shall be filled by appointment of the governor, until the office shall be filled by a successor duly elected and qualified. And in case a successor shall not have been previously elected, such successor shall be elected on the first Tuesday after the first Monday in November that next occurs more than thirty days after the vacancy shall have happened.

SECTION 3. That said judge when elected, shall give a like bond and be qualified, and shall receive the same compensation and be paid in like manner as the judge of the probate court of said county wherein such courts of insolvency are established. The bond of said judge shall be in the sum of five thousand dollars (\$5,000), and shall be approved by the commissioners of said county and deposited with the county treasurer thereof.

SECTION 4. The said court shall have a seal to be provided by the secretary of state, at the expense of the state of Ohio, having the same device as the seal of the probate court, except that there shall be around the margin thereof the words, "court of insolvency county," instead of the words, "probate court, county." The process of said court of insolvency shall have the seal affixed and shall be attested and

directed, served and returned and be in form as is or may be provided for the process of the probate court varying only in the style of the court and to conform as far as may be necessary to its terms.

SECTION 5. Sheriffs, coroners and constables shall be bound to attend said court, preserve order, and execute the return of its process as they are required to do in the probate court, and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers and the mode of proceeding against them, or either of them, for any neglect of official duty, allowing fees and providing for the collection thereof in the probate court, shall be held and deemed to extend to said court of insolvency, unless the same are, or shall be, plainly inapplicable.

SECTION 6. The said court of insolvency shall be held at the court-house of the county wherein such court is established, and the board of county commissioners of such county are hereby directed to make all necessary provisions for the holding of said court.

SECTION 7. Each judge shall have the care and custody of all files, papers, books and records belonging to the court of insolvency, and is authorized and empowered to perform all duties as clerk of his own court, and each judge may appoint a deputy clerk or clerks, each of whom shall, before entering upon the duties of his appointment, take an oath of office; and when so qualified, each deputy may perform any and all the duties pertaining to the office of clerk of the court, and each deputy clerk is authorized to administer oaths in all cases in which it is necessary in the discharge of his duties as such deputy clerk. Each judge of said court may take such security from his deputy as he deems necessary to secure the faithful performance of the duties of his appointment.

SECTION 8. The terms of said court shall be considered as three terms of four months each, beginning on the first day of January of each year. The judge of said court may dispense with any term of said court, adjourn the same on any day previous to the expiration of the term for which the same may be held, and also from any one day in the term over to any other day in the same term, if in his opinion the business of the court will admit thereof.

SECTION 9. The said court of insolvency shall have original jurisdiction in all cases, matters and things relating to and arising under the laws now in force or hereafter enacted regulating the mode of administering assignments in trust for the benefit of creditors, and the appropriation of land for public use, and for the assessment of damages occasioned by a public improvement, and shall in every respect have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties as are now or may hereafter be enforced or enjoined by the constitution and laws of the state, upon the judge of the probate court; and the judge of the probate court of the county wherein such court of insolvency is established, is hereby authorized to transfer to the court of insolvency any and all cases now pending in such probate court, arising under the acts now in force regulating the mode of administering assignments in trust for the benefit of creditors, and the appropriation of land for public use and for the assessment of damages occasioned by a public improvement: the same to be there proceeded in as if the same had been originally commenced in said court, having regard to the former proceedings therein, and the costs before accrued in the final record, as may

be right and proper. And when such cause is transferred from the probate court as aforesaid, the clerk of the probate court shall enter such transfer on his docket and from thenceforth the said cause shall not be considered in said court. And all laws now in force or that may be hereafter enacted, regulating the mode and manner of proceeding in such cases by the probate court, shall be held and deemed to extend to the said court of insolvency.

SECTION 10. Whenever in the opinion of the judge of the probate court of the county wherein such court of insolvency is established, the business of the probate court shall require the same, said judge of the probate court is hereby authorized to certify and transfer unto the court of insolvency any other case or cases, now or hereafter pending in said probate court, which said case or cases shall thenceforth be considered in said court of insolvency and be there proceeded in as if the same had been originally commenced in that court, having regard to the former proceedings and the costs before accrued in the final record, as may be right and proper; and when such case is removed from the probate court as aforesaid, the clerk of said probate court shall enter such removal on his docket and from thenceforth the said case shall not be considered in that court, and all laws now in force or hereafter enacted, regulating the mode and manner of procedure in such cases by the probate court, shall be held and deemed to extend to said court of insolvency, unless the same are, or shall be, plainly inapplicable.

SECTION 11. The said court of insolvency shall have the same power to vacate and modify its own judgments or orders during or after the term, as is or may be vested by law in the probate court, and shall also have full power to make rules and regulations for practice therein; to appoint masters and referees and other officers necessary to facilitate its business, to direct as to the mode of proceeding by or before said officers and to tax costs.

SECTION 12. All laws now in force or which may hereafter be enacted, conferring powers, authority and jurisdiction in cases and proceedings upon the probate court of any county, in which said court of insolvency is established, giving them power to hear and determine cases and to preserve order and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to said court of insolvency as fully as they extend to the probate court, unless the same be inconsistent with this act or plainly inapplicable.

SECTION 13. All laws now or hereafter enacted, regulating the mode and manner of appeals and error from any judgment, order or decree rendered by the probate court, shall be held and deemed to extend to said court of insolvency.

SECTION 14. That in case of the absence or disability of the judge of the probate court of the county wherein such court of insolvency is established, the said court may be held by the judge of the court of insolvency of the county wherein such court is established.

SECTION 15. That in case of the absence or disability of the judge of the court of insolvency, the said court may be held by the judge of the probate court wherein such court of insolvency is established.

SECTION 16. All laws now in force or hereafter enacted, regulating the fees of the probate court and the mode and manner of making out, filing and recording an itemized account of all fees received by the probate court, shall be held and deemed to be applicable to said court of insolvency.

SECTION 17. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate

Passed March 11, 1896.

64L

[Senate Bill No. 96.]

AN ACT

To create a sinking fund in certain counties, provide for the investment of sinking funds, and to provide for the refunding of the existing indebtedness of such counties.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the commissioners of any county of the state, containing a city of the first grade of the first class, to annually, at their June session, make a levy of not less than one-tenth of a mill on each dollar of valuation on all taxable property in such counties, and of more, as may from time to time become necessary, to create a sinking fund for the payment of the interest upon bonds issued by the said counties, in pursuance of law, and for their redemption at maturity.

SECTION 2. The commissioners of such counties may, at their discretion, invest the balance in the sinking fund over and above the amount necessary to pay the bonds of the county maturing within six months, by purchasing bonds of the state of Ohio, or of the county, or of any municipal corporation of said county, the bonds so purchased to be held by the county treasurers of said counties for the sinking fund. The commissioners of such counties shall collect the interest on all bonds so held by the county treasurer as investments of the sinking fund, and shall reinvest such sinking fund as provided aforesaid. The commissioners of such counties shall have the right to take for the sinking fund at par and accrued interest the entire issue, or any part of any issue, of bonds of such counties hereafter made, before the same shall be advertised or be offered to any bidder, and only such issues or parts of issues of bonds shall be sold otherwise or disposed of, as hereinafter provided, as the said county commissioners may decline to take for the sinking fund. The said county commissioners may only sell or use any of the securities so held by them for and on account of the sinking fund, to meet the payment of county bonds falling due.

SECTION 3. The commissioners of such counties may refund the existing bonded indebtedness of such counties, by making, issuing and selling new bonds of the same name and denomination in lieu of those now running, wherever such option is given in existing bonds, and wherever the commissioners of such counties are unable to pay bonds

now running at their maturity. Said new bonds may run for such length of time, not exceeding fifty years, as such county commissioners may determine, bearing interest at a rate not greater than four per centum, payable semi-annually. The bonds shall be signed by such county commissioners, or a majority of them, and in counties, wherein by law, said commissioners have a clerk, by the clerk, and countersigned and registered by the county auditor. The principal and interest may be made payable at such place as such county commissioners may determine. The commissioners of the counties aforesaid, in their official capacity as commissioners of the sinking fund, shall first determine whether they will take such new issue of bonds, or any part thereof, at par and accrued interest for the sinking fund. Upon their decision, not to do so, said bonds, or as many of them as remain, if said commissioners have taken a part of them for the sinking fund, shall be advertised and offered for public sale. In no case shall the bonds be sold for less than their par value and accrued interest. All sales of bonds, other than to the sinking fund, shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in such county, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale as well as the nature and the amount of the bonds about to be extinguished by this new issue. Additional notice may be published outside of such county, as the commissioners of the counties aforesaid may determine. The sum realized from the sale of this new issue of bonds shall be paid into the county sinking fund for the immediate redemption of the bonds to be extinguished by this new issue, and any balance remaining after the payment of said old bonds shall become part of the sinking fund, to be used solely for the purposes herein set out. The bonds authorized by this act to be made, issued and sold shall be the renewal or extension of the existing bonded indebtedness of the counties aforesaid, and shall never for any county aggregate in outstanding amount more than what may at any time be unpaid of the bonded debt of such county now outstanding, and hereafter lawfully authorized to be issued; it being the object of this act to provide only bonds for the extension or renewal of legally existing bonds, which contain an option for refunding or which at maturity are not paid and extinguished; and to that end the power herein conferred is a continuing power, and includes renewal of bonded debt now existing, hereafter lawfully created by said counties respectively, for which the county commissioners as commissioners of the sinking fund act, and extends to one or more renewals of any of the bonds issued hereunder; but nothing herein shall be construed to excuse said county commissioners from levying and applying taxes for sinking fund and the earnings from investment thereof, as provided aforesaid.

SECTION 4. That all acts and parts of such acts, now in force, relating to the levy for sinking fund purposes and the investment thereof in such counties, in conflict with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 11, 1896.

65L

[Senate Bill No. 2.]

AN ACT

To provide for the cleaning and sprinkling of public ways of cities of the first grade of the second class.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That city councils of cities of the first grade of the second class shall have authority to provide in the manner hereinafter stated, for the sprinkling, sweeping and otherwise cleaning of any of the streets, avenues and alleys, or any part thereof, which have been improved under any city ordinance. That the boards of public works, in the cities above named, may by resolution, appoint two electors of such city, who shall be residents upon, and owners of property, abutting upon the street, avenue or alley to be sprinkled, or cleaned, to serve without compensation, who, together with the city civil engineer, shall constitute a board of commissioners for said street. Said board of commissioners shall be appointed on the twentieth day of March of each year.

SECTION 2. "A." Said commissioners shall be appointed for a term of one year, and any vacancy arising, either from failure or refusal to act, or from any cause whatever, may be filled by appointment, by the board of public works of a person qualified as provided in section one of this act.

"B." The board of commissioners in any cities appointed as above stated shall by March 30th following make and file with the board of public works in said city a written statement of what in its opinion, is necessary to be done upon said street, avenue or alley, within a period of one year from the date of the filing of said statement. The board of public works shall then have full power and authority, to clean and sprinkle such street, avenue or alley, or any part thereof, in accordance with the recommendation of the commissioners of said street, avenue or alley, as hereinafter provided. Provided, that in case the commissioners so appointed upon any street, avenue or alley, fail to submit any recommendation, the board of public works shall have the power to clean such streets, avenue or alley, as often as in their judgment, the health and welfare of the city demands, cost and expense of such work to be assessed and collected as hereinafter provided.

SECTION 3. The board of public works shall then arrange the city into two or more sections for the purpose of letting the contracts for said cleaning, sweeping and sprinkling, such arrangement to be made with a view of securing the letting of such contracts at the minimum of cost. The board of public works shall then advertise for bids, to perform the work and labor and furnish the material, as set forth in the specifications, furnished by said board, according to the provisions of section 2 "B" of this act, and upon the filing of such bids, to be done within ten days of the date of advertisement by the board of public works, said board may then accept the lowest and best responsible bid or bids, for said work, labor and material, or may reject all bids so presented to it, and ask for further bids. In case of the acceptance of any of said bids, the board of public works may enter into a written contract for the work and labor, as stated in said bid, in the name of the city, which contract when properly signed, shall then be binding upon said city, and not until then. Said contract when so signed by said board, shall be filed with the clerk of the board.

SECTION 4. Upon the acceptance of said contract as hereinbefore provided, said board of public works shall recommend to the city councils of said cities, an ordinance to provide a fund for the purpose of defraying the cost and expense of the work and labor, and furnishing of material, as provided in said contract; charging same upon the lots and lands abutting upon such street, avenue or alley, between the points named in said contract to be estimated by the lineal foot front of said property, subject to the decision of the supreme court relative to the assessment for the improvement of corner lots, which ordinance when so passed by said council, shall charge said amount therein named upon said lots, or lands, as above stated. Provided, however, that when any public way of such city is cleaned, or sprinkled under the provisions of this act, and has constructed therein a line of street railway, over or upon which, any street railway company may operate its line of railway, the costs, and expenses of doing such work, shall be assessed upon the lots and lands, abounding and abutting upon such public way, and also upon the line of the street railway, that may be built in or upon such public way, in the manner following: five per cent. of the cost and expense of such cleaning shall be paid by such street railway company, and the balance of such cost and expense shall be assessed on the property abutting on said streets as aforesaid.

SECTION 5. Upon the passage of the ordinance referred to in section four of this act, notice of same shall be given by the clerk of the board of public works to the property owners upon the street, avenue or alley, to be assessed, stating the amount of the assessment which he, or she, would be required to pay, the time of payment, and to whom payable; which notice shall be served by personal notice, on resident property owners, and upon non-resident property owners, by ten days' publication in a newspaper in the city, with which the city has contracted for the legal advertising; if there be no such paper, then with some paper of general circulation in said city. The cost and expense of service of notice, as above stated, shall be paid from the fund herein provided for. Said notice, given as aforesaid, shall be the only notice required, and upon failing to pay the amount due as stated in said notice, or any part thereof, the same shall be certified to the county auditor, and by him placed upon the duplicate, and collected as other taxes. The amount thus assessed shall be paid to the county treasurer and when so paid to said treasurer, or when collected upon the tax duplicate, as above provided shall be placed to the credit of a street maintaining fund, and shall be paid out only upon the order of the board of public works.

SECTION 6. That all acts and parts of acts inconsistent with this act, in so far as they may apply to cities of the first grade of the second class, be, and the same are hereby repealed.

SECTION 7. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 12, 1896.

66L

[Senate Bill No. 69.]

AN ACT

To authorize the trustees of the Evangelical Lutheran church, of Germantown, Montgomery county, Ohio, to move certain monuments and tombstones.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Evangelical Lutheran church of the incorporated village of Germantown, Montgomery county, Ohio, be, and are hereby authorized to remove all monuments and grave-stones, remaining in the church-yard on the north side of Warren street, between Main and Plum streets in said village, the church-yard being the property of said Evangelical Lutheran church; provided, however, that publication be made in the Germantown Press, published in said village, of the time of such intended removal, at least thirty days before said removal is to take place, that if any of the friends, kindred of those still buried in said church-yard, desire the removal of any of the bodies to another cemetery or church-yard, and the reerection at the place of reinterment of any of the tombstones or monuments, an opportunity shall be given them to effect said removal and reerection.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
67L

Passed March 13, 1896.

[Senate Bill No. 145.]

AN ACT

To divide the 5th ward of the city of Lorain into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fifth ward of the city of Lorain shall be divided into two election precincts, to be known as precinct number one and precinct number two respectively, and the boundary of said precincts shall be as follows: All that portion of said ward lying east of the line of the Cleveland, Lorain and Wheeling railway company's main track, shall be known and designated as precinct number one and all that portion lying west of said company's main track shall be known and designated as precinct number two, provided that said ward shall remain intact for assessment purposes, and there shall be but one assessor required for said ward.

SECTION 2. The deputy state supervisors of elections in Lorain county shall appoint election officers for said precincts and provide them with ballot boxes and tickets and perform all other duties in relation thereto necessary for the conduct of elections.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 68L

Passed March 13, 1896.

[House Bill No. 8.]

AN ACT

To authorize the school board of the special school district of the village of Caledonia, in the county of Marion and the state of Ohio, to lay an additional levy to meet certain liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of the special school district of the village of Caledonia, of the county of Marion, and state of Ohio, be and is hereby authorized to lay an additional levy for the term of three years in excess of the legal limit of the school levy, not to exceed four mills on each dollar of valuation of the property in said special school district, for the purpose of increasing the contingent fund of said special school district, to enable the board of education to liquidate certain indebtedness not otherwise provided for.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 69L

Passed March 13, 1896.

[House Bill No. 85.]

AN ACT

To create a special district in West Guilford, Medina county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory, to wit: Beginning at the center of the public road known as the "Pike", at a point in the north line of the incorporated village of Seville, thence east in the north line of said incorporated village to the northeast corner of said incorporation and to land owned by M. Gray; thence north to the northeast corner of said Gray's land and to the farm formerly owned by Dan Shaw; thence east in the south line of said Shaw farm to the southeast corner thereof; thence north to land owned by G. B. Wells; thence east on section line to the southeast corner of said Wells land; thence north on the east line of said Wells and other lands to the center road; thence east in said center road to the southeast corner of the George B. Miller farm; thence north along the line of said Miller farm, including angles in said line, to the northeast corner of said Miller farm; thence west in the north line of

said Miller farm to the east line of the homestead farm of Jacob Coalman; thence north in said Coalman's east line of homestead farm to the south line of lands owned by David Fulton; thence west in said Fulton's south line to the southwest corner thereof; thence north in the west line of lands of said David Fulton, and other lands, to lands on the John Geisinger farm, so called, set off to Mrs. Geisinger; thence west to land owned by Catherine Crawford; thence south to the southeast corner of said Crawford land; thence west along the south line of said Crawford land, across the aforesaid pike road, and along the south line of the J. S. Palmer place to the west line of Guilford township; thence south in said west line of Guilford township to the south line of Oliver Coulter farm; thence continuing west along the south line of land owned by Oliver Coulter in Westfield township to Chippewa creek; thence southeast along the center of said Chippewa creek to the west line of Guilford township; thence south in the west line of said Guilford township to lands heretofore added to Seville school district; thence east along the north line of said added lands to the center of the aforesaid pike road; thence south along the center of said pike road to the place of beginning, shall be and the same is hereby created and declared to constitute a special school district to be known as the West Guilford special school district.

SECTION 2. All the school property situate within said described territory shall belong to and be the property of said special school district; and said district shall be entitled to receive the proportionate share of the school funds and funds for school house and incidental expenses belonging to sub-school district number seven in said Guilford township, for the current school year.

SECTION 3. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the school now in session therein; but said existing contracts shall be executed according to the terms thereof.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

70L

[House Bill No. 124.]

AN ACT

To authorize the trustees of Pleasant township, Hardin county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Pleasant township, Hardin county, be and are hereby authorized to transfer the sum of five hundred (\$500) dollars from the bridge fund to the general township fund of said township.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

71L

[House Bill No. 132.]

AN ACT

To authorize the trustees of Dover township, Athens county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Dover township, Athens county, Ohio, be and they are hereby authorized to transfer the sum of three hundred and forty-one dollars and sixteen (\$341.16) cents from the road improvement fund of said township to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896;

72L

[House Bill No. 148.]

AN ACT

To authorize the council of the village of Ravenna, Portage county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Ravenna, Portage county, Ohio, is hereby authorized to transfer one thousand (\$1,000) dollars from the park fund to the street and sanitary fund, and the sum of five hundred (\$500) dollars from the park fund to the general corporation fund.

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

73L

[House Bill No. 158.]

AN ACT

To authorize the trustees of Liberty township, Clinton county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Liberty township, Clinton county, be and are hereby authorized to transfer the sum of six hundred (\$600) dollars from the poor fund to the free pike fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 74L

Passed March 13, 1896.

[House Bill No. 163.]

AN ACT

To authorize the county commissioners of Lake county to pay William P. Rice for personal injury sustained by breaking through a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lake county are hereby authorized and empowered to settle with and pay William P. Rice for personal injury by him sustained by the falling of a county bridge, (known as the Pleasant Valley bridge) in such amount as to them may seem just and reasonable, not to exceed the sum of one thousand (\$1,000) dollars.

SECTION 2. That when said county commissioners shall have determined the amount to which said William P. Rice shall be entitled by reason of said injury they may order that the said sum shall be paid to him forthwith or they may order that a sum not less than fifty dollars shall be paid to him semi-annually on the first Monday in March and September of each year until the amount found due him shall be fully paid.

SECTION 3. That when the county commissioners shall have determined the amount and the time or times when the same shall be paid the county auditor shall draw his warrant on the county treasury in favor of said William P. Rice for the same payable from the general county fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 75L

Passed March 13, 1896.

[House Bill No. 179.]

AN ACT

To authorize the county commissioners of Coshocton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Coshocton and state of Ohio, be and are hereby authorized to transfer six thousand dollars from the bridge fund, and the further sum of four thousand dollars from the road fund, of said county, to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

76L

[House Bill No. 181.]

AN ACT

To authorize the council of Swanton, Fulton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Swanton, Fulton county, Ohio, be and they are hereby authorized to transfer one hundred and seventy-five (\$175) dollars from the sanitary fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

77L

[House Bill No. 214.]

AN ACT

To authorize commissioners of Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Darke county, Ohio, be and are hereby authorized and empowered to transfer from the "bond redemption fund" of Darke county, Ohio, the sum of nine hundred and seventy-seven dollars and forty-four (\$977.44) cents, to the county fund of Darke county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

78L

[House Bill No. 216.]

AN ACT

To authorize the village council of the incorporated village of Sylvania, Lucas county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Sylvania, in Lucas county, Ohio, be and the same is hereby authorized to transfer the sum of three hundred dollars (\$300) from the general fund of said village to the fire and water fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER.
President pro tem. of the Senate.

Passed March 13, 1896.

79L

[House Bill No. 217.]

AN ACT

To create Pine Grove special school district in Chester township, Meigs county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in the township of Chester, county of Meigs, state of Ohio, be and is hereby made and constituted Pine Grove special school district, and described as follows: Beginning at the southwest corner of section thirty-three (33) town two (2), range twelve, thence north to the northwest corner of said section. Thence east sixty (60) rods to the southwest corner of Marinda Foster's forty (40) acres in section 34, town 3, range 12. Thence north one hundred and sixty (160) rods to the northwest corner of said Marinda Foster's forty-eight (48) acres in section 43, town 3, range 12. Thence east one hundred (100) rods along said Marinda Foster's north line to George Mora's west line, thence northalong said George Mora's west line forty-five (45) rods to J. B. Scheibler's southwest corner, thence north forty-two (42) degrees east twenty-six (26) rods, thence north five and one-half ($5\frac{1}{2}$) degrees east twenty-four (24) rods, thence forty-two (42) degrees east, twelve (12) rods to George Mora's north line, thence east along said George Mora's north line thirty (30) rods to said Mora's north-east corner, thence south twenty-five (25) rods, thence east one hundred (100) rods to said Mora's north-east corner, thence south along said Mora's east line of section 34 to George Mora's north-west corner of thirty and six-tenths (30.6) acres in fraction No. 34 of section 28, thence east fifty-two (52) rods, thence south-east eighty-three (83) rods to the north of the Wm. Walter's estate thence east, sixty-five (65) rods to Henry Fruth's south-west corner, thence north fifty-five (55) rods to said Fruth's north-west corner in said fraction 34, thence northeast sixty-five (65) rods along Anthony Fell's north-west line, thence south sixty-three and one-half ($63\frac{1}{2}$) degrees east, one hundred and thirty-four (134) rods to the west line of fraction 17 in section 22, town 3, range 12, thence

north along the west line of said fraction 17, to the north-west corner of said fraction, thence east along said fraction line to the north-east corner of said fraction, thence south along the east line of fraction 17 and 18 to the south-east corner of fraction 18, thence east to the north-west corner of fraction 36, thence south along the east line of fraction 30 to the south-east corner of said fraction thence east to the north-east corner of fraction 31, thence south on the east line of said fraction 31 to the north-east corner of Abel Roush's fifty (50) acres in fraction 31, thence west sixty-five (65) rods, to said Roush's north-west corner, thence south forty-three (43) rods and twenty (20) links to Horse Cave creek, thence following Gillmore's fork of Horse Cave creek to the south line of fraction 31, thence west along said fraction line to the south-west corner thereof, thence north to fraction 32, thence west along the south line of fraction 32, 33, and section 33 to the place of beginning.

SECTION 2. All school property situated within the said described territory shall be the property of said special school district.

SECTION 3. This act shall take effect and be in force from and after April 1st, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER.

President pro tem. of the Senate.

Passed March 13, 1896.

80L

[House Bill No. 240.]

AN ACT

To authorize the board of education of Wayne township, Auglaize county, to issue bonds to build school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of Wayne township, Auglaize county, Ohio, be and are hereby empowered to issue bonds in the sum of thirty-five hundred dollars (\$3,500) to build school-houses.

SECTION 2. Said bonds shall be issued in amounts not more than five hundred dollars (\$500) and to run not longer than March 1, 1900, to draw interest at a rate not to exceed six (6) per cent. per annum, said bonds, interest and principal, to be paid at such times and places, as the school board of said special school district shall direct. Said bonds shall express upon their face the amount of the bond, rate of interest, time of payment of said bond and interest, the purpose for which issued and the act under which issued. Each bond shall be signed by the president and the clerk of said special school district, and no bond shall be sold for less than its face value, and the said school board is hereby authorized to levy a tax upon all taxable property of said special school district sufficient to pay both principal and interest of said bonds as the same may respectively become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
81L

Passed March 13, 1896.

[House Bill No. 261.]

AN ACT

To authorize the transfer of certain funds by the trustees of Trimble township, Athens county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Trimble township, Athens county, Ohio, are hereby authorized to transfer from the "road improvement fund" of said township to the "township fund" of said township, the sum of three hundred and fifty-two dollars and twenty-five cents; and to transfer from the "road improvement fund" of said township to the "road fund" of said township, the sum of eight hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
82L

Passed March 13, 1890.

[House Bill No. 268.]

AN ACT

To amend section 3 of an act entitled "An act to provide for the reorganization of boards of education in city districts of the second grade of the first class," as passed March 8, 1892.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3 of an act entitled "An act to provide for the reorganization of boards of education in city districts of the second grade, of the first class," passed March 8, 1892, be amended to read as follows:

SEC. 3. The first election for such council shall be held on the first Monday of April, 1892, at which election three members of the council shall be elected for a term of two years and their successors shall be elected at the annual municipal election for 1894 and biennially thereafter, and four members of the council shall at such election in 1892 be elected for a term of three years and their successors shall be elected at the annual municipal election of 1895 for a term of two years, and biennially thereafter, and all members of the council shall serve until their successors are elected and qualified. The council shall organize annually on the third Monday in April, by choosing one of their members president. On the

third Monday in April, 1896, and biennially thereafter, the school council shall elect a clerk who shall not be a member of said council, and who shall be clerk of the board of education. He shall receive a salary to be fixed by the council, which shall not exceed two thousand dollars per year.

SECTION 2. That said section 3 of an act passed March 8, 1892, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
83L

Passed March 13, 1896.

[House Bill No. 281.]

AN ACT

To authorize the trustees of Baughman township, Wayne county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the trustees of Baughman township, Wayne county, Ohio, be and they are hereby authorized to transfer from the bridge fund of said township five hundred dollars to the general fund of said township.

SECTION 2. That the trustees of said township are hereby authorized to transfer five hundred dollars from the poor fund of said township to the general fund of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
84L

Passed March 13, 1896.

[House Bill No. 284.]

AN ACT

To provide for the relief of E. Holaday, as treasurer of the village of West Elkton, Preble county, Ohio.

WHEREAS, On and prior to the 9th day of June, 1893, E. Holaday was the duly elected, qualified, and acting treasurer of the village of West Elkton, Preble county, Ohio, and as such treasurer had on deposit in the Camden bank, of village of Camden, Preble county, the funds of said village of West Elkton, amounting to forty-seven dollars and eighty-one cents (\$47.81);

WHEREAS, On the 9th day of June, 1893, said Camden bank failed and made a general assignment for the benefit of its creditors;

WHEREAS, By reason of such failure and assignment of said Camden bank, and without any fault or negligence of said E. Holaday, the said funds will be lost, and for which the said E. Holaday is and will be held liable to said village; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said village of West Elkton, Preble county, by and through council, be and is hereby authorized and directed to forever release the said E. Holaday and the sureties on his official bond as such treasurer of said village from payment to said village of all amount of said funds that may be lost by reason of the failure of said Camden bank, and its inability to pay the amount of said village funds so on deposit as aforesaid, provided that a majority of the electors of said village as shown by last general election in said village, shall file with the clerk of said village a petition asking for the release and discharge of said E. Holaday, and the sureties on his official bond as such treasurer from the payment to said village of the amount of the funds of said village that may be lost by reason of the failure of said Camden bank.

SECTION 2. When said petition is filed with said village clerk, if it appear therefrom that a majority of the electors of said village, as shown by the last general election held in such village, have signed said petition, then the council of said village be and the same is hereby authorized and directed to pass a resolution releasing and forever discharging the said E. Holaday, and the sureties on his official bond as such treasurer of said village, from all liability to said village on account of and by reason of the funds of said village lost by the failure of said Camden bank, and the said E. Holaday, and the sureties on his official bond as such treasurer, shall thereafter be forever released and discharged from payment of all amount of said funds of said village so on deposit in said Camden bank, and lost by reason of its said failure and assignment.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
85L

Passed March 13, 1896.

[House Bill No. 313.]

AN ACT

To authorize the trustees of Van Buren township, Putnam county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Van Buren township, Putnam county, Ohio, are hereby empowered to transfer four hundred dollars (\$400) from the road improvement fund to the general fund of said township.

SECTION 2. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

86L

[House Bill No. 343.]

AN ACT

To authorize the village council of the village of Bellville, Richland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Bellville, Richland county, Ohio, be and are hereby authorized to transfer the sum of one hundred and seventy-five dollars (\$175) from the fire and water fund, and the sum of one hundred and twenty-five dollars (\$125) from the sewer fund, all to the light fund.

SECTION 2. This act shall take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

87L

[House Bill No. 345.]

AN ACT

To authorize the auditor and commissioners of Union county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor and commissioners of Union county, Ohio, be and are hereby authorized to transfer the sum of seven thousand three hundred and six dollars and ninety-four cents (\$7,306.94) from the county fund to the delinquent road fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

88L

[House Bill No. 352.]

AN ACT

To authorize the board of education of the Lima union school district to issue the bonds of said district for the purpose of acquiring sites and building school-house or school-houses thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Lima union school district is hereby authorized to acquire a site or sites, and build a school-house or school-houses thereon, and to provide means therefor, when a sufficient amount can not be provided under section three thousand nine hundred and ninety-four (3994) of the Revised Statutes of Ohio, to make an estimate of the probable costs of such site or sites, and such school-house or school-houses, or either, and at a general election, or a special election called for that purpose shall submit to the electors of the district the question of levying taxes and issuing bonds for such purposes or either of them, and ten days' notice of such submission shall be given by the said board, by publication in a daily newspaper printed and of general circulation in said district, which notice shall state the time, place and object of such election and the maximum amount of the bonds proposed to be issued.

SECTION 2. Each elector shall have printed on his ballot: "Bonds for school-house—Yes;" "Bonds for school-house—No;" and said ballots shall not have any other words written or printed thereon, and shall be placed in a separate ballot-box provided for that purpose.

SECTION 3. If a majority of ballots cast upon said proposition be in favor of issuing bonds, then said board of education may execute the bonds of said school district not to exceed the sum of sixty thousand (\$60,000) dollars; said bonds shall be in denominations of five hundred dollars, and two thousand dollars of said bonds shall fall due fifteen years from the date of their issue, and each year thereafter two thousand dollars of said bonds shall become due and shall bear interest not to exceed six per cent. per annum, payable semi-annually, and shall be payable at such place as said board of education shall designate.

SECTION 4. Said board of education shall sell said bonds to the highest and best bidder therefor, but not less than par, after giving thirty days' notice by publication in a newspaper printed and of general circulation in said district, and in a newspaper printed in and of general circulation in the state of Ohio, stating in said notice the time and place when said bonds will be sold, also the amount of bonds offered for sale, and giving the title and the date of the passage of this act.

SECTION 5. The whole amount received for said bonds, including premium, if any, shall be placed to the credit of the building fund of said city district, and shall be expended for the purchasing of site or sites, and building school-house or school-houses, or both, as the said school board shall direct. And said board of education is hereby authorized, empowered and directed to levy and collect from time to time upon all taxable property of said Lima union school district, a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act; said tax to be levied and collected in the manner of levying and collecting other taxes.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

89L

[House Bill No. 363.]

AN ACT

To authorize the village of Arcanum, in Darke county, Ohio, to issue bonds to purchase fire hose and construct wells for the use of the fire department of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Arcanum, Darke county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding six hundred dollars, and bearing interest at a rate not exceeding six per cent. per annum from the date of their issue, payable semi-annually. The proceeds of said bonds to be issued to be used in purchasing fire hose and constructing wells for the use of the fire department of said village. Said bonds shall be of such denominations and shall mature at such times as said council shall determine; providing that said bonds shall not be sold for less than their par value.

SECTION 2. For the purpose of paying said bonds, and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all taxable property of said village in addition to that which is otherwise authorized by law, to such an amount as shall be necessary for the payment of principal and interest of said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

90L

[House Bill No. 381.]

AN ACT

To authorize the city council of Chillicothe, Ohio, (Ross county), to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of Chillicothe, Ross county, Ohio, be and are hereby authorized to transfer funds to the amount of \$1,500 from the bridge fund of said city to the credit of the fire department fund of said city for the purpose of building an east end engine house and to equip the same and for no other purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

91L

[House Bill No. 414.]

AN ACT

To authorize the council of the city of Kenton, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Kenton, Hardin county, Ohio, be and the same hereby is authorized to transfer two thousand dollars (\$2,000) from the police fund to the light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

92L

[House Bill No. 426.]

AN ACT

To authorize the council of the incorporated village of Cecil, Paulding county, Ohio to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Cecil, Paulding county, Ohio, be and is hereby authorized to transfer certain funds, viz.: Seventy-five dollars from the "sewer fund" of said village to the general fund of the same; also seventy-five dollars from the "cemetery fund" of said village to the "engine house" fund of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

93L

[House Bill No. 443.]

AN ACT

To authorize certain villages to borrow a sum of money not exceeding fifteen thousand (\$15,000) dollars, to pay existing indebtedness, and to issue bonds therefor.

[PLEASANT RIDGE, HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which cast at the last regular municipal election therein, or which shall hereafter cast at any other regular municipal election, a vote of not less than two hundred, and not more than two hundred and fifty, in counties containing a city or cities of the first grade of the first class, be and said council is hereby authorized and empowered to borrow a sum of money not exceeding fifteen thousand (\$15,000) dollars, at a rate of interest not to exceed six (6) per centum, payable semi-annually, to pay existing indebtedness against the general revenue fund, existing at the time of the passage of this act, and to meet deficiencies in street, sidewalk and sewer assessments.

SECTION 2. For the purpose of securing said loan, any such village is hereby empowered to issue its bonds for the aggregate amount borrowed, in such denominations and payable at such time or times, within twenty years from the date of issue, as the council may determine.

SECTION 3. Said council shall annually thereafter cause the necessary taxes to be levied, not exceeding two (2) mills in any one year, in addition to those now authorized by law, to pay the principal and interest on said bonds, as the same shall be come due, in the manner already provided by law for levying and collecting taxes for municipal purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

94L

[House Bill No. 472.]

AN ACT

To authorize the council of the incorporated village of Rockford, Mercer county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Rockford, Mercer county, Ohio, be and the same is hereby authorized to transfer the sum of one thousand dollars (\$1,000) from the police fund to the corporation fund, and five hundred dollars (\$500) from the police fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 13, 1896.

95L

[Senate Bill No. 204.]

AN ACT

To authorize the city council of the city of Mt. Vernon, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Mt. Vernon, Ohio, be and the same are hereby authorized to transfer the sum of nine hundred and twenty-five dollars (\$925) from the condemnation fund to the general fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 17, 1896.

96L

[Senate Bill No. 223.]

AN ACT

To divide Warren township, Jefferson county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Warren township, Jefferson county, Ohio, be and the same is hereby divided into two election precincts by a line commencing at the Ohio river between the Norton farm and the old Hodgen farm and following that line to Mt. Pleasant township, thence south to Pease township, Belmont county; thence following Pease township line east to the Ohio river; thence north to the place of beginning. All that portion of said township lying north of said dividing line shall be known as the Warrenton precinct, and all that south of said dividing line shall be known as Tiltonville precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 17, 1896.

97L

[House Bill No. 80.]

AN ACT

To create a new township, to be called Logan township, from parts of the present townships of Bokescreek and Perry in Logan county, Ohio, and to repeal an act entitled "An act to divide Bokescreek township, Logan county, Ohio, into two election precincts," passed March 5, 1886. (Vol. 83, p. 261.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory from the townships of Bokes-

creek and Perry, in the county of Logan, state of Ohio, be and is hereby made and created a new township, to wit: Beginning at a point in the Logan and Union county line where the Greenville treaty line intersects said county line, thence in a southerly direction with said Logan and Union county line to a point in the center of the road leading from Zanesville via North Greenfield to Newton in Union county, thence in a westerly course with the line of said road to the Harrington gate, thence continuing on a westerly direction across lands owned by David Harrington's heirs, A. Grubbs, and H. D. Kennedy (distance about eighty rods), to a point S. E. corner to military survey No. 4210, thence in a westerly course with the south line of said survey No. 4210, No. 5089 and No. 3436 to a point in the Jefferson township line, thence on a northerly course with the east line of Jefferson and Rushcreek townships to a point where said township line intersects said Greenville treaty line, thence in an easterly direction with said Greenville treaty line to the beginning.

SECTION 2. That such new township shall be known as Logan township and shall be governed by such laws as are now in force relating to the organization and government of townships in this state, and the territory remaining in Bokescreek township shall be known as Bokescreek township and the territory remaining in Perry township shall be known as Perry township.

SECTION 3. That the act entitled "An act to divide Bokescreek township, Logan county, Ohio, into two election precincts," passed March 5, 1886 (Vol. 83, p. 261), is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 17, 1896.

98L

[House Bill No. 125.]

AN ACT

Authorizing the commissioners of Lawrence county to transfer certain funds from the dog tax fund to the Lawrence county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lawrence county, Ohio, be and they are hereby authorized to transfer a sum not exceeding five hundred (\$500) dollars out of the surplus funds now in the dog tax fund, to the Lawrence county agricultural society, and that said sum so transferred be paid to the treasurer of said society on request.

SECTION 2. This act shall take effect and be in full force and effect from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 17, 1896.

99L

[House Bill No. 242.]

AN ACT

To amend section 16 of an act entitled "An act to provide a license on trades, business and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 16, 1883. (80 O. L., 132.)

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 16 of an act entitled "An act to provide a license on trades, business and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license and for other purposes," passed April 16, 1883, be amended to read as follows:

SEC. 16. Each keeper of a pawnbroker's or loan office shall pay a license fee of two hundred and fifty (\$250) dollars per annum, and each keeper of a pawnbroker's or loan office, or other person or corporation engaged in carrying on the business commonly known as a chattel mortgage broker, or loaning money, and to secure the payment of same taking chattel mortgage or other security of like nature on household goods, shall pay a like license fee of two hundred and fifty (\$250) dollars per annum. Any person engaged in or carrying on the business of loaning money on chattel mortgage on household goods, shall keep a true record of all such loans, showing the amount loaned and amount paid as interest or other charges thereon, which record shall at all times be open for inspection to any person interested therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
100L

Passed March 17, 1896.

[House Bill No. 237.]

AN ACT

To authorize the Milford village school district to issue bonds to repair the school building and pay an indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Milford village school district of Clermont county, Ohio, be and the same is hereby authorized to issue the bonds of said school district in a sum not exceeding four thousand (\$4,000) dollars, bearing interest at the rate of five (5) per cent. per annum from date of issue, payable semi-annually, and redeemable in ten annual instalments, in such sums as the said board of education may prescribe; the first instalment to be due in 1897. The amount realized from said bonds to be applied to the payment of an indebtedness of said board, now due, and the repair of the school building of said village.

SECTION 2. Said bonds shall be signed by the president and clerk

of said board, and shall be sold after being advertised in the paper of said village, and one Cincinnati daily, for the period of three weeks, at not less than their par value.

SECTION 3. For the purpose of paying said bonds, and the interest thereon, as the same become due, said board of education is authorized and empowered to levy on all the taxable property of said district, in addition to the amount now authorized to be levied, a tax sufficient to meet the same, in each and every year said bonded indebtedness runs.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
101L

Passed March 17, 1896.

[House Bill No. 297.]

AN ACT

To authorize the trustees of Union township, Hancock county, Ohio, to levy a tax to construct gravel or macadamized roads, pikes and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Union township, in Hancock county, in the state aforesaid, be and they are hereby authorized and empowered to assess and levy upon all the taxable property of said township, for five successive years, a tax not exceeding three mills on the dollar of the valuation of all said property in any one year, in addition to the amount of taxes which now is or hereafter may be authorized by law, for the purpose of constructing, graveling, macadamizing and piking roads and highways in said township, and for no other purpose whatever.

SECTION 2. The question of levying said tax and constructing pikes and highways shall be submitted to a vote of the qualified electors of said township at the regular spring election on the first Monday of April, 1897, the tickets voted at said election shall have written or printed thereon the words, "Taxation for road improvements—Yes," or, "Taxation for road improvements—No"; and a majority of votes in favor of such taxation shall authorize the levying of said tax and constructing, graveling, macadamizing and piking of said roads and highways.

SECTION 3. Said tax hereby authorized shall be placed upon the grand duplicate of the county auditor of Hancock county aforesaid, and shall be collected as other taxes upon said duplicate are collected, and shall be paid in money, and shall be a township road fund in said township, under the direction, control and application of the trustees of said township, and shall be by them applied toward constructing gravel, macadamized or piked roads and highways in said township, or both gravel and macadamized roads or pikes and highways, as may be adjudged best by said trustees; provided, that no assessment or levy for said purpose shall be made under the provisions of this act after the year nineteen hundred and two, and the first assessment or levy for said purposes may be made under the provisions of this act in the year eighteen hundred and ninety-seven (1897).

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
102L

Passed March 17, 1896.

[House Bill No. 403.]

AN ACT

To repeal an act passed May 21st, 1894 (91 O. L., p. 826), and to divide Mohican township, of Ashland county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Mohican township, in the county of Ashland, and state of Ohio, be and the same is hereby divided into two election precincts, as follows: Commencing on the section line at the center of said township on its western boundary, and running east on section lines to the center of eastern boundary of said township of Mohican. Said precincts to be named as follows: The one on the north side of said township shall be called the Jeromeville precinct, and the one on the south side of said township shall be called the Mohicanville precinct.

SECTION 2. An act passed May 21, 1894 (91 O. L., p. 826), is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
103L

Passed March 17, 1896.

[House Bill No. 408.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of constructing therein elevated roadways, bridges and approaches thereto.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class in the state of Ohio be and is hereby authorized to borrow money in a sum not to exceed ninety thousand dollars (\$90,000) at a rate of interest not to exceed five per cent. per annum, payable semi-annually, for the purpose of building and constructing elevated roadways, bridges and approaches thereto within such city as the council may direct; for the purpose of effecting such loan and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate amount of said loan in such denominations, and payable at such time or times, as the council may determine. Said bonds, except as indicated in the foregoing,

shall in all other respects conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1896.

104L

[House Bill No. 409.]

AN ACT

For the relief of George Snok and wife.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees and boards of education of Troy township, in the county of Delaware, state of Ohio, be and are hereby authorized and required to delay the collection of all claims now due, or that may hereafter become due against George Snok until after the death of said George Snok and wife, or so long as the said George Snok and wife will secure said claims by mortgage on real property of said George Snok and wife. Provided, nevertheless, that the same be submitted to vote and approved by the qualified electors of said Troy township at the next election.

SECTION 2. That the township trustees and boards of education of Troy township, in the county of Delaware, state of Ohio, shall at the next general election submit the proposition to relieve the said George Snok and wife in the manner recited in section 1, for which purpose a notice by publication in two newspapers of general circulation in said township for at least ten days prior to said election shall be given. The ballots to be voted at such election upon said proposition shall have written or printed thereon: "For relief—Yes," or "For relief—No." If a majority of all the votes cast upon said proposition at such election shall be in favor of the relief of said George Snok and wife, then such relief shall be granted.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1896.

105L

[House Bill No. 473.]

AN ACT

Authorizing the board of education of the city school district of the city of Defiance to pay to George W. Fuller, late treasurer of the school funds of said city district the sum of nine hundred and seventy-three (\$973) dollars in reimbursement of the loss by him, as such treasurer, sustained through the failure of the Defiance savings bank company.

WHEREAS, On the fifth day of June, A. D. 1893, George W. Fuller was treasurer of the school funds of the city school district of the said city of Defiance and as such treasurer had on deposit with the Defiance savings bank company, a banking institution, the sum of nine hundred and seventy-three dollars.

WHEREAS, On the said 5th day of June, 1893, the said Defiance savings bank company made an assignment for the benefit of its creditors.

WHEREAS, The assignee of the said bank will be unable to realize upon the assets coming into his hands a sufficient amount to pay the creditors of his said assignor in full, and

WHEREAS, Soon after the making of the said assignment by said banking institution the said George W. Fuller made good to the said school district the said sum by him lost as aforesaid through the failure of said bank, and

WHEREAS, A large number of the taxpayers and other electors of said school district have by their petition expressed a desire for the enactment of such legislation as will enable the board of education of said district to repay to the said George W. Fuller the said amount by him lost as aforesaid through the failure of said banking institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be submitted to the electors of the said city school district of the said city of Defiance, in Defiance county, Ohio, at the next general election to be holden therein, the proposition for the reimbursement of the said George W. Fuller for the amount so as aforesaid by him as treasurer of said city school district lost through the failure of the said banking institution.

SECTION 2. The ballots to be voted at such election shall have written or printed thereon "For reimbursement—Yes," or "For reimbursement—No," and if a majority of all the votes cast at such election upon said proposition shall be in favor of such reimbursement then the said board of education of the said city school district of the said city of Defiance shall be fully authorized and empowered to direct, by resolution or otherwise, the clerk of said board to draw a warrant upon the treasurer of the school funds of said city district for the said sum of nine hundred and seventy-three dollars in favor of the said George W. Fuller to reimburse him for the loss by him as late treasurer of said school funds, sustained through the failure of the Defiance savings bank company, and the said treasurer of said school funds shall upon the presentation of such warrant by said George W. Fuller or his assigns pay the same out of any funds in his hands belonging to said school district not otherwise appropriated.

SECTION 3. If upon the settlement of the affairs of the said the Defiance savings bank company there shall be any dividend or dividends declared in favor of the creditors thereof, and the said board of education

of said city school district under the provisions of this act shall have reimbursed the said George W. Fuller for the loss by him sustained on account of the failure of said banking institution as aforesaid, the said assignee or trustee of said bank shall pay any such dividend or dividends into the treasury of the said school district.

SECTION 4. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said school district to be given by publication in two newspapers of opposite politics in said city at least ten days before the date upon which such election is to be held, the costs and expenses of which publication shall be paid by the said George W. Fuller.

SECTION 5. If for any reason the said proposition shall not be submitted to the electors of the said school district at the first general election to be holden in said city after the passage of this act then said proposition shall be so submitted at the next succeeding general election held in said city.

SECTION 6. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

106L

[House Bill No. 474.]

AN ACT

For the relief of John G. Openlander, treasurer of the township of Delaware, in the county of Defiance and state of Ohio.

WHEREAS, On the fifth day of June, 1893, John G. Openlander was treasurer of the township of Delaware, in the county of Defiance and state of Ohio, and as such treasurer had on deposit with the Defiance savings bank company, a banking institution, the sum of seven hundred and forty (\$740) dollars;

WHEREAS, On the said fifth day of June, 1893, the said the Defiance savings bank company made an assignment for the benefit of its creditors;

WHEREAS, The assignee of the said banking institution will be unable to realize upon the assets coming into his hands a sufficient amount to pay the creditors of his said assignor in full, and

WHEREAS, A large number of the taxpayers and other electors of the said township have by their petition expressed a desire to have the said John G. Openlander and the sureties upon his official bond released from any loss or liabilities growing out of the failure of the said banking institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be submitted to the electors of the said township of Delaware in Defiance county, Ohio, at the next general election to be holden therein the proposition to relieve the said John G. Openlander and the sureties on his official bond as such treasurer from the payment

to the said township or either or any of the officers thereof of whatever part of said sum of \$740 shall remain unpaid to the said John G. Openlander from the said assignee of the said banking institution upon the settlement of its affairs.

SECTION 2. The ballots to be voted at such election upon said proposition shall have written or printed thereon "For relief—Yes," or "For relief—No," and if a majority of all the votes cast upon said proposition at said election shall be in favor of the relief of the said treasurer and his said bondsmen, then the said John G. Openlander, as treasurer as aforesaid and the securities on his said official bond as treasurer of said township and also the securities upon his bond as treasurer of the school funds of said township shall be forever wholly relieved and released from the payment to said township or to the board of education of the township school district of said township or to either or any officer or officers of said township of any greater sum of the money so deposited with the said the Defiance savings bank company than shall be paid to him by the assignee thereof.

SECTION 3. If for any reason the said proposition shall not be submitted to the said electors at the first general election to be holden in said township after the passage of this act then the same shall be submitted to such electors at the next succeeding general election to be thereafter held in said township.

SECTION 4. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said township to be given by publication in two newspapers of opposite politics which have a general circulation in said township at least ten days prior to the date upon which such election is to be held, the costs and expenses of which publication shall be paid by the said John G. Openlander.

SECTION 5. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
107L

Passed March 17, 1896.

[House Bill No. 514.]

AN ACT

To authorize the transfer of certain funds by the city council of the city of Delaware, county of Delaware, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Delaware, Ohio, are hereby authorized to transfer twelve hundred dollars (\$1,200) from the "bridge fund" to the "fire fund" of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896.

108L

[House Bill No. 529.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, be and they are hereby authorized and empowered to transfer the sum of one thousand two hundred and eighteen and 85-100 (\$1,218.85) dollars from the Mitchell avenue bridge fund to the Mitchell avenue improvement fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1896. .

109L

[House Bill No. 567.]

AN ACT

To provide for the construction of additional school rooms in the Circleville city school district of Pickaway county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Circleville city school district in Pickaway county, be and the same is hereby authorized to issue the bonds of the said district not to exceed the sum of sixteen thousand (\$16,000) dollars for the purpose of constructing and furnishing additional school rooms in said district.

SECTION 2. That said bonds shall be issued in such denominations, and for such length of time, not exceeding sixteen years, as the said board of education may determine, and shall be signed by the president of the board, and attested by the clerk, who shall keep a record of the same. Said bonds shall bear interest at a rate not exceeding six per cent. (6%) per annum, payable semi-annually, and shall be sold as provided by law. The principal and interest of said bonds shall be paid from the money raised by the regular levies, which said board of education is authorized by law to make.

SECTION 3. That before said bonds are issued, as herein provided, the said board of education shall submit to the qualified electors of the said school district, at a general or special election, of which ten days'

notice shall be given by publication in two newspapers of opposite politics and of general circulation in said district, the proposition to construct additional school rooms. At said election those voting in favor of the proposition shall have written or printed on their ballots the words, "Additional school rooms—Yes;" and those voting against the proposition shall have written or printed on their ballots the words, "Additional school rooms—No." If the majority of the votes upon the proposition shall be in the affirmative, then said bonds may be issued, and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 18, 1896.

110L

[House Bill No. 340.]

AN ACT

To authorize the trustees of Perry township, Richland county, Ohio, to issue bonds in the sum of \$1,000 for the purpose of erecting a township house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Perry township, Richland county, Ohio, be and the same are hereby authorized and empowered to issue bonds in any sum not exceeding \$1,000 for the purpose of purchasing the necessary ground and erecting thereon a township house for said township.

SECTION 2. Said bonds shall be of the denomination of \$500 each and bear interest at the rate of six per cent per annum, payable semi-annually. The principal and interest shall be due and payable at such time as the board of trustees may by resolution determine. Said bonds shall be sold according to law and for not less than their face value with accrued interest.

SECTION 3. Said township trustees shall annually levy a tax in addition to the other levy of taxes now allowed by law, for the purpose of paying the principal and interest of said bonds as the same shall become due and payable, according to the terms thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

111L

[House Bill No. 461.]

AN ACT

To construct a system of free turnpikes in Knox township, Jefferson county, Ohio, and to provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Jefferson county are hereby authorized and required and shall construct a system of free turnpikes in said township of Knox, in said county, as specified in section 2 of this act or so much thereof as may be adopted by the vote hereinafter provided for.

SECTION 2. The free turnpikes under this act shall consist of the following roads, to wit:

Route 1. Beginning at the township line at Island creek church, thence along the public road via Knoxville and Osage to connect with pike at township line on farm of Hinkle and Adams, known as Cloverdale.

Route 2. Beginning at township line on or near farm of Henry Leatherberry; thence via brick church to New Somerset; thence to connect with route 1 by most practical route.

Route 3. Beginning at said brick church and running west on Tunnel mill road thirteen hundred and twenty feet.

Route 4. Beginning at Knoxville; thence along the public road to Empire by the most practical route.

Route 5. Beginning at Knoxville; thence north along public road thirteen hundred and twenty feet.

Route 6. Beginning at township line in Toronto; thence via River avenue and public road and Empire to Saline township line.

Route 7. Beginning at Island Creek township line; thence following county road to intersect township line on lands of Jas. Lyon's heirs.

Route 8. Beginning near Fostersville where the Croxton run road intersects said route 6; thence along said Croxton run road to where it intersects with said route 4, about one mile easterly of Knoxville, on the farm of Crawford heirs.

SECTION 3. The cost of the construction of said system of free turnpikes or so much thereof as shall be built shall be on all the taxable property of the township, including the municipal corporations or part thereof in said township.

SECTION 4. For the purpose of raising the necessary money to construct said system of free turnpikes, said commissioners shall issue special turnpike bonds, pledging all the taxable property within said township in any amount not to exceed fifty-five thousand dollars, in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, which shall be issued and payable as follows: twenty-five thousand dollars of said bonds shall be issued within three months after this system of free turnpikes may be adopted, said bonds to run twenty-five years with the privilege of payment after five years and twenty thousand dollars of bonds of the same denomination shall be issued one year thereafter, payable in twenty-five years, with the privilege of payment after ten years and the balance of said bonds may be issued by the county

commissioners at such times as may be needed for the construction of said turnpike, said third series of bonds to run twenty years with privilege of payment after ten years. Each series of said bonds shall be numbered and sold and called in, according to number. All of said bonds shall bear interest at the rate of five per cent. per annum payable semi-annually, and shall be sold as the money may be needed for such construction of turnpikes, but shall not be sold for less than their par value and accrued interest. Said bonds shall be signed by the president of the board of commissioners and countersigned by the county auditor, and be payable at the county treasurer's office; for the purpose of paying the principal and interest of said bonds, the county commissioners shall levy on all the taxable property within the township, including the municipal corporations or parts therein, a tax of three mills on the dollar valuation each year; and the county commissioners are authorized to increase said levy to an amount not to exceed three and one-half mills, until the principal and interest of said bonds are paid.

SECTION 5. The county commissioners shall appoint three freeholders of said township as road commissioners, and shall also employ to assist said road commissioners a surveyor or engineer, or both, with the necessary and proper assistants, and said road commissioners shall lay out, survey, and locate such turnpike roads on the present established highways. Said road commissioners shall make a full report of their proceedings to the county commissioners.

SECTION 6. The roads constructed under this act shall not be more than sixty nor less than thirty feet in width, and at least twenty feet in width thereof shall be turnpiked with earth so as to drain freely to the sides with the necessary culverts and bridges; nine feet thereof in width shall be made of broken stone, of a depth of thirteen inches, seven inches of which shall be sledge broken and used for foundation, and six inches thereof shall be of broken limestone, broken or crushed so as to pass through a three-inch ring, using the finest part thereof for the top dressing, and all to be compacted together in such manner as to secure a firm, even and substantial road, but the width to be made of broken stone and limestone in the village of Toronto on River avenue and on state road from North line of the incorporated village of Toronto to the bridge at mouth of Croxton's run and through the hamlet of Empire an additional width of six feet shall be added. Provided, however, that any part of such system of roads within and adjacent to the village of Toronto and hamlet of Empire, may be made of brick where the same will make equally as good and substantial a road on such location.

SECTION 7. Said road shall be divided in sections and let by contract as now provided by section 4771 of the Revised Statutes, and a competent person or persons residents of said township, shall be appointed by the county commissioners to inspect the work as the same progresses, and said county commissioners shall require the same to be according to contract. And in all matters not specifically set out in this act, the county commissioners shall act under, and be governed by the general statutes of the state.

SECTION 8. The county commissioners shall not levy any tax, or issue any bonds, or appropriate any money for the construction of said turnpikes without submitting to the qualified voters of the said township of Knox the question as to the policy of constructing said roads by gen-

eral tax on said township; but said commissioners shall and are hereby required at any regular or called session of said commissioners, upon the presentation of the petition of not less than fifteen freeholders of said township, submit to the qualified voters of said township at any spring or fall election the question of construction of said free turnpike roads by general taxation on all the taxable property of said township and municipal corporations and parts therein; of which election at least fifteen days' notice shall be given by them in at least three newspapers of general circulation in said township; those voting in favor of such turnpike and taxation shall have printed or written on their ballots the words, "For turnpikes—Yes," and those voting against shall have printed or written on their ballots the words, "For turnpikes—No," and if a majority voting on such proposition shall be in favor of such turnpikes and taxation, said commissioners shall proceed according to this act, to construct said system of free turnpikes, and complete the same within three years thereafter; and provided further, that if said township shall not give a majority vote in favor of said turnpikes and taxation, then no part of this system of free turnpikes shall be built, but said commissioners shall again submit such question at any regular spring or fall election upon the petition of not less than fifty freeholders of said township.

SECTION 9. The said road commissioners, engineer, surveyor and their assistants shall receive respectively the same compensation as paid to viewers, surveyors and engineers and assistants in other cases. And inspectors herein appointed shall receive a compensation not exceeding that authorized for surveyors and engineers.

SECTION 10. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

112L

[House Bill No. 494.]

AN ACT

To divide Jackson township, Wood county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jackson township, Wood county, Ohio, be and the same is hereby divided into two election precincts for the purposes authorized by law, as follows: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, and the west half of section 22, the west half of section 27, the west half of section 34 shall constitute and be known as the west precinct of said township, with place of holding elections at the center of said township; and that sections 13, 14, 23, 24, 25, 26, 35, 36, the east half of section 22, the east half of section 27, and the east half of section 34 shall constitute and be known as the east precinct of said township, with place of holding elections at the village of Hoytville in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

113L

[House Bill No. 581.]

AN ACT.

To authorize the auditor and commissioners of Fayette county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor and commissioners of Fayette county, Ohio, be and are hereby authorized to transfer the sum of four thousand dollars from the "county road" fund to the "children's home" fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 19, 1896.

114L

[House Bill No. 587.]

AN ACT

To create a judicial court fund in Madison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Madison county are hereby authorized to levy not to exceed eight-tenths of one mill on the dollar on the taxable property of said county for the purpose of creating a judicial and court fund.

SECTION 2. Said fund shall be expended as follows: The judicial or court fund shall be expended for the payment of all court expenses, and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment of such expenses.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

115L

Passed March 19, 1896.

[House Bill No. 590.]

AN ACT

To authorize the council of the city of Pomeroy, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Pomeroy, Meigs county, Ohio, be and the same is hereby authorized to transfer one thousand one hundred and six dollars and four cents (\$1,106.04) from the general fund to the street fund, and one hundred and twenty-one dollars and eighty-five cents (\$121.85) from the sanitary fund to the street fund, and two thousand eight hundred and twelve dollars and fifty-one cents (\$2,812.51) from the interest fund to the street fund, and six hundred and thirteen dollars and eighty-one cents (\$613.81) from the street lighting fund to the street fund, and thirty-five dollars and five cents (\$35.05) from the police fund to the street fund, and one thousand two hundred and twelve dollars and forty-seven cents (\$1,212.47) from the police fund to the sinking fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER.
President pro tem. of the Senate.

Passed March 19, 1896.

116L

[House Bill No. 618.]

AN ACT

To authorize the council of the village of Celina to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Celina, Mercer county, Ohio, be and the same is hereby authorized and empowered to transfer from the railroad fund of said village, to other funds of said village the following sums:

To the street fund, \$3,855.40.

To the corporation fund, \$2,500.

To the fire fund, \$2,000, and to the building fund, \$1,000.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER.
President pro tem. of the Senate.

Passed March 19, 1896.

117L

[Senate Bill No. 149.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds for the purpose of purchasing land and erecting school buildings.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That boards of education in city districts of the first grade of the first class be and they are hereby authorized and empowered to issue bonds for an amount not exceeding three hundred thousand (\$300,000) dollars, payable at such time and place as the said boards may determine; provided that such bonds shall be made payable in not less than one, and not more than forty years, and redeemable in ten years, or any time thereafter, at the option of said boards of education, provided also that not exceeding one hundred and fifty thousand (\$150,000) dollars of said bonds shall be issued during any one year.

SECTION 2. Said bonds shall be issued by said boards, and signed by the president, and attested by the clerk thereof, who shall keep a record of the same, and shall be payable to the bearer, and shall bear interest at a rate not exceeding four (4) per cent. per annum, payable annually or semi-annually, as such boards may deem best, and shall be of such denominations, not less than one hundred (\$100) dollars, nor more than one thousand (\$1,000) dollars each, as said boards may determine. Said bonds shall not be sold for less than their par value, and then only to the highest bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the purchase of land, if deemed necessary by the said boards, and the erection of necessary buildings for school purposes. Provided, however, that said boards of education may offer all or part of said bonds for sale to the trustees of the sinking fund of cities of the first grade of the first class, at par and accrued interest.

SECTION 3. To provide for the redemption of said bonds, and payment of the interest thereon, said boards of education shall annually set aside as a sinking fund, a sum equal to two and one-half (2½) per cent. of the amount of bonds issued and unredeemed, together with the interest thereon; provided, however, that no additional levy shall be authorized for said purpose; but said bonds shall be redeemed, and interest thereon shall be paid out of the fund arising from the levy now allowed by law for school purposes. The trustees of the sinking fund of cities of the first grade of the first class are hereby made and constituted the trustees of the sinking fund of boards of education in city districts of the first grade of the first class; and it shall be the duty of said boards of education to turn over to such trustees of the sinking fund annually the amount above provided, to be set aside as a sinking fund, together with interest on said bonds; and it shall be the duty of said trustees of the sinking fund to receive said sum and said interest, and to pay therefrom the interest coupons on such bonds as they may become due, and redeem the said bonds with the sinking fund so turned over to them by the said boards of education; and said sinking fund trustees shall have power to invest said sums so turned over to them in the same manner as they are authorized by law to invest the funds of such cities; and they are further authorized to invest said sums in the bonds issued by the boards of education

in city districts of the first grade of the first class, if they choose so to do; provided, however, that all interest earned by such investments of said funds shall be used solely for the purpose of redeeming said bonds issued by the said boards of education; and provided further, that it shall be the duty of said sinking fund trustees, from time to time, after ten years from the date of said bonds, to redeem so many of said bonds as the said sinking fund, together with whatever interest it may have earned, then in their hands, may be able to redeem, upon the passage of a resolution by the board of education requesting them so to do, and provided further, that in lieu of the annual cash payments for the sinking funds herein provided for, the said boards of education may surrender to the trustees of the sinking fund of cities of the first grade of the first class any of said bonds unissued by said boards of education, or any of said bonds redeemed by said boards of education, equivalent in par value to the said annual cash payments herein required, which bonds shall thereupon be cancelled by said trustees, and that thereupon said boards of education shall pay to the said board of trustees of said sinking funds annually the interest only on the bonds issued outstanding and unredeemed; and provided further, that the trustees of the said sinking funds shall annually report to the said boards of education, in writing, the condition of the funds hereby created and the bonds herein provided for. Any unexpended balance remaining in the fund created by the issue and sale of said bonds shall not be diverted by said boards of education for any other purpose, and shall be immediately transferred by said boards to the trustees of the sinking fund as aforesaid, to be by them placed to the credit of the sinking fund herein provided for, and to become part and parcel thereof, and to be by them invested as herein provided, and to be applied for the same purpose as is such sinking fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 20, 1896.

118L

[Senate Bill No. 231.]

AN ACT

To authorize the council of Akron, Summit county, to grant certain rights to the Akron gas company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Akron, Summit county, Ohio, be and it hereby is authorized and empowered by and with the approval and consent of the board of city commissioners of the said city of Akron, to grant to the Akron gas company permission to construct and maintain a tram-way or bridge across Spring street in said city of Akron from lands of the Valley railroad company on the south side of said street to lands of the Akron gas company on the north side of said street, to be used in the transportation of coal. Provided, however, that said tram-way or bridge shall be constructed in accordance with plans and specifications

approved by the city council and board of commissioners of said city, and provided further that no supports of said tram-way or bridge shall be within the limits of said street, and that all of said tram-way or bridge shall be at least thirteen (13) feet in the clear above the level of said street. Provided further that said gas company shall be responsible for injuries done thereby to private or public property lying upon or near to such street or ground, which may be recovered by a civil action brought by the owner before the proper court at any time within two years from the completion of such work.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 20, 1896.

119L

[House Bill No. 203.]

AN ACT

To create a judicial court and election fund in Ross county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ross county are hereby authorized to levy not to exceed eight-tenths of one mill on the dollar on the taxable property of said county for the purpose of creating a judicial and court fund, and two-tenths of one mill for an election fund.

SECTION 2. Said funds shall be expended as follows: The judicial or court funds shall be expended for the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment. The election fund shall be expended for the purpose of paying all the election expenses of the county now paid out of the general fund of the county, and if at any time the amount of the election fund shall be insufficient to meet all of the expenses, then the general fund of the county shall be drawn upon for the payment of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

120L

[House Bill No. 273.]

AN ACT

To provide for the additional construction of trunk sewers in cities of the first grade of the first class.

[CINCINNATI]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the construction of trunk sewers in cities of the first grade of the first class the board of legislation thereof be and they are hereby required to levy, in addition to the taxes now authorized by law, annually, at the same time and in the same manner that other taxes are authorized to be levied, seven-tenths of a mill on the dollar, of all the property of such cities subject to taxation, for and during each of the eight fiscal years next ensuing after the passage of this act.

SECTION 2. The money arising from said levy shall be placed in the city treasury and kept as a separate fund, to be known as the trunk sewer fund, and shall be expended only for the purpose of constructing trunk sewers for such cities, and in paying for rights of way for the same and the outlets thereof, which may be secured either by purchase or by appropriation, in accordance with the statutes providing for the appropriation of private property by municipal corporations and as hereinafter provided, and in paying the surplus over the assessments authorized by law of the costs of constructing the lateral and branch sewers; but any portion of said fund may be expended for the purpose aforesaid, in any part of said city without regard to any division of the same into sewer districts, or for the purpose of purchasing or appropriating lands without the limits of such city for necessary outlets for sewers so as aforesaid constructed, and for continuing such sewers over the lands so appropriated; and no part of said fund shall ever be transferred to any other fund.

SECTION 3. No owner of property abutting on the line of any of said sewers shall be permitted to tap or use the same in any manner for the drainage of private property until he shall have fully paid the assessments levied on all of his property, to pay the cost of constructing such sewer, and complied with such other rules and regulations as may be provided by the board of administration, as to tapping of sewers in such cities. And said board of administration may permit owners of property abutting or in the vicinity of the line of any of said sewers without the limits of such cities, to tap and use the same upon such conditions and upon such terms, which shall not be less than for the owners of property within such cities abutting on the line of such sewers and subject to such rules as said board of administration shall prescribe. And the said board is hereby authorized and required to assess all lands abutting upon any such trunk sewer, whether the same be located in any street or other public way, or upon ground neither used nor intended to be used as a public way, to the same extent and in the same manner that the laws now provide for the assessment of the cost of the construction of sewers upon property abutting upon or benefitted thereby, except in cases where the owners of lands upon the line of such sewers have dedicated a right of way through their lands for the purpose of such sewer, in which case their lands abutting such right of way so dedicated shall not be subject to assessment; but such owner of land abutting such right of way so dedicated by them, shall not

be permitted to tap such sewers until he or they shall have fully paid into the treasury, to the credit of said trunk sewer fund, an amount per foot of land so abutting on the line of said sewer equal to the amount assessed against other property along the line of such sewer, and have otherwise complied with the rules and regulations of the board of administration. The assessment herein provided for may or may not be levied by districts, as said board in its discretion may determine.

SECTION 4. Upon the passage of this act, the board of administration of such cities shall proceed at once to take the necessary steps to complete the trunk sewers now in process of construction, and contract for the construction of such additional sewers, commencing with such sewers as are most immediately necessary; the cost of the same over and above the amount of the assessment permitted by law to be paid out of the trunk sewer fund above provided for, as soon as the same is collected; provided, that the amount contracted to be paid under any such contract or contracts made in the anticipation of the collection of any such levy, shall not in any one year exceed the sum of one hundred and sixty thousand dollars, in addition to the amount which the law authorizes to be assessed upon private property for the construction of such sewers.

SECTION 5. In making such improvements the board of administration shall be governed by the laws relating to the construction of sewers in such cities, and the condemnation and appropriation of private property therefor, except that the said board of administration shall have and exercise all the powers and perform all the duties of council or board of legislation in the prosecution of said work or furnishing materials therefor, the making and levying assessments therefor, the enforcement and collection thereof, the certificates of any unpaid assessment to the county auditor to be placed upon the tax-list, and payment to contractors for the construction of such sewers; said board of administration shall have and exercise all the powers now vested in council or board of legislation, and shall be subject to all the restrictions and regulations now imposed upon said board of administration in cases where any improvement by sewerage has been ordered by council or board of legislation, except as herein altered or amended; it being the intention and meaning hereof that in all such improvements it shall not be necessary to have the action or concurrence of council or board of legislation in any of the said proceedings.

SECTION 6. That an act entitled "An act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed April 18, 1883, (80 O. L., 184), an act entitled "An act to amend section 3 of an act entitled 'an act to provide for the construction of trunk sewers in cities of the first grade of the first class,'" passed February 20, 1885 (82 O. L., 69), and an act entitled "An act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed March 12, 1887, (84 O. L., 75), be and the same are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

121L

[House Bill No. 277.]

AN ACT

To divide Liberty township, Putnam county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Liberty, in the county of Putnam, state of Ohio, be and the same is hereby divided into two election precincts for all election purposes authorized by law, as follows: Commencing on the north line of said township, at the northwest corner of section three (3) town two (2) north range seven (7) east; thence south on the section line, between sections three (3) and four (4), nine (9) and ten (10), fifteen (15) and sixteen (16), twenty-one (21) and twenty-two (22), twenty-seven (27) and twenty-eight (28), thirty-three (33) and thirty-four (34), to the south line of said Liberty township. All the territory east of said line to constitute and be known as the East precinct, and all territory west of said line to constitute and be known as the West precinct; the trustees of said Liberty township to fix the places of holding elections in said precincts.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
122L

Passed March 25, 1896.

[House Bill No. 296.]

AN ACT

To authorize the auditor as well as all city departments in cities of the first grade of the first class to pay certain claims.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the various departments which may have the disposition of the funds created by the levy of taxes for specific purposes made by villages heretofore annexed in pursuance of an act entitled "An act authorizing cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class," passed April 13, 1893, and an act entitled "An act to amend section one of an act entitled 'an act authorizing cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class,' passed April 13, 1893," passed April 24, 1893, be and the same are hereby authorized to pay all legitimate claims against said villages at the time of annexation, that are properly payable out of the funds created by such levy of taxes for specific purposes; and the city auditor of such city be and the same is hereby authorized to issue vouchers payable out of the general fund, for all legiti-

mate claims against such villages; that are properly payable out of the fund created by the levy of taxes for general purposes.

SECTION 2. This act to take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
123L

Passed March 25, 1896.

[House Bill No. 316.]

AN ACT

To provide for Springhill, Champaign county, Ohio, special school district to issue bonds to repair damage done to school building by storm.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Springhill special school district, Champaign county, Ohio, be and the same is hereby authorized to issue bonds of said school district to the amount of four hundred (\$400) dollars, in denominations of two hundred (\$200) dollars each, the first of said bonds payable March 1, 1900, second bonds payable March 1, 1901, bearing six per cent. interest, to defray expenses incurred by repairing school building in said special district, as ordered by the state inspector of public buildings and also to provide means to pay expenses during the remainder of school year 1895-6. Said bonds may be sold by said board at either public or private sale and for not less than par value and shall be signed by the president and clerk of said board.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
124L

Passed March 25, 1896.

[House Bill No. 354.]

AN ACT

To authorize the board of education of St. Marys, Ohio, school district, to borrow money and issue bonds therefor for the purpose of building and furnishing an addition to a public school building and of paying present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of St. Marys, Auglaize county, Ohio, be and it is hereby authorized to borrow any sum not exceeding ten thousand dollars (\$10,000) for the purpose of building and furnishing an addition to the public school building in said village as said board may direct and for the purpose of paying present indebtedness.

SECTION 2. That for the purpose aforesaid said board are hereby authorized to issue bonds in any amount not exceeding ten thousand dollars, to be signed by the president and attested by the clerk thereof in sums of not more than one thousand dollars (\$1,000) nor less than five hundred dollars (\$500) bearing interest at the rate of six per centum per annum, payable annually. Said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof as said board may determine; said bonds shall be sold for not less than their par value, and said board may, at their discretion, have coupons attached.

SECTION 3. Said board shall annually thereafter cause the necessary taxes in addition to those now provided by law to be levied to pay the interest on said bonds and to pay the principal thereof as the same shall become due in the manner provided by law for the levying and collection of taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
125L

Passed March 25, 1896.

[House Bill No. 367.]

AN ACT

To amend section 1 of an act entitled "An act to authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue," passed May 16, 1894, Ohio laws, vol. 91, page 750, be so amended as to read as follows:

SEC. 1. That the county commissioners of Hamilton county, Ohio, are hereby authorized to extend, widen and improve, by grading, Andrew avenue in section 27, Columbia township, Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side of the following described center line: Beginning at a point in the north line of Erie avenue, three hundred and twenty-eight and sixty-four one hundredths (328.64) feet eastward from the east intersection of Shaw avenue and Erie avenue; thence northwardly on a line parallel with said Shaw avenue, two thousand nine hundred and fifty (2,950) feet, more or less to the Madison road, and in establishing the grade of said avenue said commissioners are hereby instructed not to have the grade, or any part of it, in excess of seven feet to the hundred feet.

SECTION 2. That said original section 1 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
126L

Passed March 25, 1896.

[House Bill No. 371.]

AN ACT

For the relief of Wm. P. Donohoo, treasurer of Penn township, Highland county, Ohio.

WHEREAS, Wm. P. Donohoo was at the April election, A. D. 1893, duly elected township treasurer of the township of Penn, Highland county, Ohio, and

WHEREAS, As such treasurer he in good faith deposited certain of the funds of said township in the Citizens' national bank of Hillsboro, Ohio, and

WHEREAS, Said Citizens' national bank did on the 9th day of June, A. D. 1893, fail and suspend payment, and

WHEREAS, The receiver of said bank has paid upon the amount of said township funds so deposited in said bank and being at the time of its failure the sum of two hundred and twenty dollars (\$220) a dividend of 50 per cent., to wit, the sum of one hundred and ten dollars (\$110), and

WHEREAS, Said receiver will be able to pay only a small portion of said balance of one hundred and ten dollars (\$110), leaving the one-half thereof uncollectable, for which said Wm. P. Donohoo and the sureties on his official bond are liable, and

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said Wm. P. Donohoo and his sureties, therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Penn township, Highland county, Ohio, be and they are hereby authorized and empowered, by suitable resolution, to release said Wm. P. Donohoo and the sureties on his official bond from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said Citizens' national bank of Hillsboro, Ohio, after payment in full of all dividends thereon collectable from the receiver of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
127L

Passed March 25, 1896.

[House Bill No. 389.]

AN ACT

To authorize the village of Wapakoneta, Auglaize county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Wapakoneta, Auglaize county, Ohio, be and the same is hereby authorized to transfer from the general fund to the street improvement fund of said village the sum of fifteen hundred dollars (\$1,500), and to transfer from the cistern fund to the street improvement fund of said village the sum of nine hundred and forty-three dollars (\$943).

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
128L

Passed March 25, 1896.

[House Bill No. 477.]

AN ACT

To authorize the commissioners of Greene county, Ohio, to construct a certain pavement or sidewalk leading to the Ohio soldiers' and sailors' orphans' home at Xenia, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Greene county, Ohio, be and are hereby authorized and empowered to construct a good and substantial pavement or sidewalk along and upon the following described route, viz.: Beginning at the south line of the corporation of the city of Xenia at a point where it crosses the Valley turnpike road on the west side of the said road, continuing upon the west side of said road for a distance of about 700 feet to a point where the land line of said soldiers' and sailors' orphans' home crosses said Valley road. The expenses of such construction to be paid out of any money accredited to the bridge fund of said county not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES;
President of the Senate.
129L

Passed March 25, 1896.

[Senate Bill No. 149.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds for the purpose of purchasing land and erecting school buildings.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That boards of education in city districts of the first grade of the first class be and they are hereby authorized and empowered to issue bonds for an amount not exceeding three hundred thousand (\$300,000) dollars, payable at such time and place as the said boards may determine; provided that such bonds shall be made payable in not less than one, and not more than forty years, and redeemable in ten years, or any time thereafter, at the option of said boards of education, provided also that not exceeding one hundred and fifty thousand (\$150,000) dollars of said bonds shall be issued during any one year.

SECTION 2. Said bonds shall be issued by said boards, and signed by the president, and attested by the clerk thereof, who shall keep a record of the same, and shall be payable to the bearer, and shall bear interest at a rate not exceeding four (4) per cent. per annum, payable annually or semi-annually, as such boards may deem best, and shall be of such denominations, not less than one hundred (\$100) dollars, nor more than one thousand (\$1,000) dollars each, as said boards may determine. Said bonds shall not be sold for less than their par value, and then only to the highest bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the purchase of land, if deemed necessary by the said boards, and the erection of necessary buildings for school purposes. Provided, however, that said boards of education may offer all or part of said bonds for sale to the trustees of the sinking fund of cities of the first grade of the first class, at par and accrued interest.

SECTION 3. To provide for the redemption of said bonds, and payment of the interest thereon, said boards of education shall annually set aside as a sinking fund, a sum equal to two and one-half (2½) per cent. of the amount of bonds issued and unredeemed, together with the interest thereon; provided, however, that no additional levy shall be authorized for said purpose; but said bonds shall be redeemed, and interest thereon shall be paid out of the fund arising from the levy now allowed by law for school purposes. The trustees of the sinking fund of cities of the first grade of the first class are hereby made and constituted the trustees of the sinking fund of boards of education in city districts of the first grade of the first class; and it shall be the duty of said boards of education to turn over to such trustees of the sinking fund annually the amount above provided, to be set aside as a sinking fund, together with interest on said bonds; and it shall be the duty of said trustees of the sinking fund to receive said sum and said interest, and to pay therefrom the interest coupons on such bonds as they may become due, and redeem the said bonds with the sinking fund so turned over to them by the said boards of education; and said sinking fund trustees shall have power to invest said sums so turned over to them in the same manner as they are authorized by law to invest the funds of such cities; and they are further authorized to invest said sums in the bonds issued by the boards of education

in city districts of the first grade of the first class, if they choose so to do; provided, however, that all interest earned by such investments of said funds shall be used solely for the purpose of redeeming said bonds issued by the said boards of education; and provided further, that it shall be the duty of said sinking fund trustees, from time to time, after ten years from the date of said bonds, to redeem so many of said bonds as the said sinking fund, together with whatever interest it may have earned, then in their hands, may be able to redeem, upon the passage of a resolution by the board of education requesting them so to do, and provided further, that in lieu of the annual cash payments for the sinking funds herein provided for, the said boards of education may surrender to the trustees of the sinking fund of cities of the first grade of the first class any of said bonds unissued by said boards of education, or any of said bonds redeemed by said boards of education, equivalent in par value to the said annual cash payments herein required, which bonds shall thereupon be cancelled by said trustees, and that thereupon said boards of education shall pay to the said board of trustees of said sinking funds annually the interest only on the bonds issued outstanding and unredeemed; and provided further, that the trustees of the said sinking funds shall annually report to the said boards of education, in writing, the condition of the funds hereby created and the bonds herein provided for. Any unexpended balance remaining in the fund created by the issue and sale of said bonds shall not be diverted by said boards of education for any other purpose, and shall be immediately transferred by said boards to the trustees of the sinking fund as aforesaid, to be by them placed to the credit of the sinking fund herein provided for, and to become part and parcel thereof, and to be by them invested as herein provided, and to be applied for the same purpose as is such sinking fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 20, 1896.

118L

[Senate Bill No. 231.]

AN ACT

To authorize the council of Akron, Summit county, to grant certain rights to the Akron gas company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Akron, Summit county, Ohio, be and it hereby is authorized and empowered by and with the approval and consent of the board of city commissioners of the said city of Akron, to grant to the Akron gas company permission to construct and maintain a tram-way or bridge across Spring street in said city of Akron from lands of the Valley railroad company on the south side of said street to lands of the Akron gas company on the north side of said street, to be used in the transportation of coal. Provided, however, that said tram-way or bridge shall be constructed in accordance with plans and specifications

approved by the city council and board of commissioners of said city, and provided further that no supports of said tram-way or bridge shall be within the limits of said street, and that all of said tram-way or bridge shall be at least thirteen (13) feet in the clear above the level of said street. Provided further that said gas company shall be responsible for injuries done thereby to private or public property lying upon or near to such street or ground, which may be recovered by a civil action brought by the owner before the proper court at any time within two years from the completion of such work.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed March 20, 1896.

119L

[House Bill No. 203.]

AN ACT

To create a judicial court and election fund in Ross county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ross county are hereby authorized to levy not to exceed eight-tenths of one mill on the dollar on the taxable property of said county for the purpose of creating a judicial and court fund, and two-tenths of one mill for an election fund.

SECTION 2. Said funds shall be expended as follows: The judicial or court funds shall be expended for the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment. The election fund shall be expended for the purpose of paying all the election expenses of the county now paid out of the general fund of the county, and if at any time the amount of the election fund shall be insufficient to meet all of the expenses, then the general fund of the county shall be drawn upon for the payment of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

120L

[House Bill No. 273.]

AN ACT

To provide for the additional construction of trunk sewers in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the construction of trunk sewers in cities of the first grade of the first class the board of legislation thereof be and they are hereby required to levy, in addition to the taxes now authorized by law, annually, at the same time and in the same manner that other taxes are authorized to be levied, seven-tenths of a mill on the dollar, of all the property of such cities subject to taxation, for and during each of the eight fiscal years next ensuing after the passage of this act.

SECTION 2. The money arising from said levy shall be placed in the city treasury and kept as a separate fund, to be known as the trunk sewer fund, and shall be expended only for the purpose of constructing trunk sewers for such cities, and in paying for rights of way for the same and the outlets thereof, which may be secured either by purchase or by appropriation, in accordance with the statutes providing for the appropriation of private property by municipal corporations and as hereinafter provided, and in paying the surplus over the assessments authorized by law of the costs of constructing the lateral and branch sewers; but any portion of said fund may be expended for the purpose aforesaid, in any part of said city without regard to any division of the same into sewer districts, or for the purpose of purchasing or appropriating lands without the limits of such city for necessary outlets for sewers so as aforesaid constructed, and for continuing such sewers over the lands so appropriated; and no part of said fund shall ever be transferred to any other fund.

SECTION 3. No owner of property abutting on the line of any of said sewers shall be permitted to tap or use the same in any manner for the drainage of private property until he shall have fully paid the assessments levied on all of his property, to pay the cost of constructing such sewer, and complied with such other rules and regulations as may be provided by the board of administration, as to tapping of sewers in such cities. And said board of administration may permit owners of property abutting or in the vicinity of the line of any of said sewers without the limits of such cities, to tap and use the same upon such conditions and upon such terms, which shall not be less than for the owners of property within such cities abutting on the line of such sewers and subject to such rules as said board of administration shall prescribe. And the said board is hereby authorized and required to assess all lands abutting upon any such trunk sewer, whether the same be located in any street or other public way, or upon ground neither used nor intended to be used as a public way, to the same extent and in the same manner that the laws now provide for the assessment of the cost of the construction of sewers upon property abutting upon or benefitted thereby, except in cases where the owners of lands upon the line of such sewers have dedicated a right of way through their lands for the purpose of such sewer, in which case their lands abutting such right of way so dedicated shall not be subject to assessment; but such owner of land abutting such right of way so dedicated by them, shall not

be permitted to tap such sewers until he or they shall have fully paid into the treasury, to the credit of said trunk sewer fund, an amount per foot of land so abutting on the line of said sewer equal to the amount assessed against other property along the line of such sewer, and have otherwise complied with the rules and regulations of the board of administration. The assessment herein provided for may or may not be levied by districts, as said board in its discretion may determine.

SECTION 4. Upon the passage of this act, the board of administration of such cities shall proceed at once to take the necessary steps to complete the trunk sewers now in process of construction, and contract for the construction of such additional sewers, commencing with such sewers as are most immediately necessary; the cost of the same over and above the amount of the assessment permitted by law to be paid out of the trunk sewer fund above provided for, as soon as the same is collected; provided, that the amount contracted to be paid under any such contract or contracts made in the anticipation of the collection of any such levy, shall not in any one year exceed the sum of one hundred and sixty thousand dollars, in addition to the amount which the law authorizes to be assessed upon private property for the construction of such sewers.

SECTION 5. In making such improvements the board of administration shall be governed by the laws relating to the construction of sewers in such cities, and the condemnation and appropriation of private property therefor, except that the said board of administration shall have and exercise all the powers and perform all the duties of council or board of legislation in the prosecution of said work or furnishing materials therefor, the making and levying assessments therefor, the enforcement and collection thereof, the certificates of any unpaid assessment to the county auditor to be placed upon the tax-list, and payment to contractors for the construction of such sewers; said board of administration shall have and exercise all the powers now vested in council or board of legislation, and shall be subject to all the restrictions and regulations now imposed upon said board of administration in cases where any improvement by sewerage has been ordered by council or board of legislation, except as herein altered or amended; it being the intention and meaning hereof that in all such improvements it shall not be necessary to have the action or concurrence of council or board of legislation in any of the said proceedings.

SECTION 6. That an act entitled "An act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed April 18, 1883, (80 O. L., 184), an act entitled "An act to amend section 3 of an act entitled 'an act to provide for the construction of trunk sewers in cities of the first grade of the first class,'" passed February 20, 1885 (82 O. L., 69), and an act entitled "An act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed March 12, 1887, (84 O. L., 75), be and the same are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

121L

[House Bill No. 277.]

AN ACT

To divide Liberty township, Putnam county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Liberty, in the county of Putnam, state of Ohio, be and the same is hereby divided into two election precincts for all election purposes authorized by law, as follows: Commencing on the north line of said township, at the northwest corner of section three (3) town two (2) north range seven (7) east; thence south on the section line, between sections three (3) and four (4), nine (9) and ten (10), fifteen (15) and sixteen (16), twenty-one (21) and twenty-two (22), twenty-seven (27) and twenty-eight (28), thirty-three (33) and thirty-four (34), to the south line of said Liberty township. All the territory east of said line to constitute and be known as the East precinct, and all territory west of said line to constitute and be known as the West precinct; the trustees of said Liberty township to fix the places of holding elections in said precincts.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1896.

122L

[House Bill No. 296.]

AN ACT

To authorize the auditor as well as all city departments in cities of the first grade of the first class to pay certain claims.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the various departments which may have the disposition of the funds created by the levy of taxes for specific purposes made by villages heretofore annexed in pursuance of an act entitled "An act authorizing cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class," passed April 13, 1893, and an act entitled "An act to amend section one of an act entitled 'an act authorizing cities of the first grade of the first class to annex contiguous municipal corporations of other grades or classes lying within any county containing such cities of the first grade of the first class,' passed April 13, 1893," passed April 24, 1893, be and the same are hereby authorized to pay all legitimate claims against said villages at the time of annexation, that are properly payable out of the funds created by such levy of taxes for specific purposes; and the city auditor of such city be and the same is hereby authorized to issue vouchers payable out of the general fund, for all legiti-

mate claims against such villages; that are properly payable out of the fund created by the levy of taxes for general purposes.

SECTION 2. This act to take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
123L

Passed March 25, 1896.

[House Bill No. 316.]

AN ACT

To provide for Springhill, Champaign county, Ohio, special school district to issue bonds to repair damage done to school building by storm.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Springhill special school district, Champaign county, Ohio, be and the same is hereby authorized to issue bonds of said school district to the amount of four hundred (\$400) dollars, in denominations of two hundred (\$200) dollars each, the first of said bonds payable March 1, 1900, second bonds payable March 1, 1901, bearing six per cent. interest, to defray expenses incurred by repairing school building in said special district, as ordered by the state inspector of public buildings and also to provide means to pay expenses during the remainder of school year 1895-6. Said bonds may be sold by said board at either public or private sale and for not less than par value and shall be signed by the president and clerk of said board.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
124L

Passed March 25, 1896.

[House Bill No. 354.]

AN ACT

To authorize the board of education of St. Marys, Ohio, school district, to borrow money and issue bonds therefor for the purpose of building and furnishing an addition to a public school building and of paying present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of St. Marys, Auglaize county, Ohio, be and it is hereby authorized to borrow any sum not exceeding ten thousand dollars (\$10,000) for the purpose of building and furnishing an addition to the public school building in said village as said board may direct and for the purpose of paying present indebtedness.

SECTION 2. That for the purpose aforesaid said board are hereby authorized to issue bonds in any amount not exceeding ten thousand dollars, to be signed by the president and attested by the clerk thereof in sums of not more than one thousand dollars (\$1,000) nor less than five hundred dollars (\$500) bearing interest at the rate of six per centum per annum, payable annually. Said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof as said board may determine; said bonds shall be sold for not less than their par value, and said board may, at their discretion, have coupons attached.

SECTION 3. Said board shall annually thereafter cause the necessary taxes in addition to those now provided by law to be levied to pay the interest on said bonds and to pay the principal thereof as the same shall become due in the manner provided by law for the levying and collection of taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
125L

Passed March 25, 1896.

[House Bill No. 367.]

AN ACT

To amend section 1 of an act entitled "An act to authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue," passed May 16, 1894, Ohio laws, vol. 91, page 750, be so amended as to read as follows:

SEC. 1. That the county commissioners of Hamilton county, Ohio, are hereby authorized to extend, widen and improve, by grading, Andrew avenue in section 27, Columbia township, Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side of the following described center line: Beginning at a point in the north line of Erie avenue, three hundred and twenty-eight and sixty-four one hundredths (328.64) feet eastward from the east intersection of Shaw avenue and Erie avenue; thence northwardly on a line parallel with said Shaw avenue, two thousand nine hundred and fifty (2,950) feet, more or less to the Madison road, and in establishing the grade of said avenue said commissioners are hereby instructed not to have the grade, or any part of it, in excess of seven feet to the hundred feet.

SECTION 2. That said original section 1 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
126L

Passed March 25, 1896.

[House Bill No. 371.]

AN ACT

For the relief of Wm. P. Donohoo, treasurer of Penn township, Highland county, Ohio.

WHEREAS, Wm. P. Donohoo was at the April election, A. D. 1893, duly elected township treasurer of the township of Penn, Highland county, Ohio, and

WHEREAS, As such treasurer he in good faith deposited certain of the funds of said township in the Citizens' national bank of Hillsboro, Ohio, and

WHEREAS, Said Citizens' national bank did on the 9th day of June, A. D. 1893, fail and suspend payment, and

WHEREAS, The receiver of said bank has paid upon the amount of said township funds so deposited in said bank and being at the time of its failure the sum of two hundred and twenty dollars (\$220) a dividend of 50 per cent., to wit, the sum of one hundred and ten dollars (\$110), and

WHEREAS, Said receiver will be able to pay only a small portion of said balance of one hundred and ten dollars (\$110), leaving the one-half thereof uncollectable, for which said Wm. P. Donohoo and the sureties on his official bond are liable, and

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said Wm. P. Donohoo and his sureties, therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Penn township, Highland county, Ohio, be and they are hereby authorized and empowered, by suitable resolution, to release said Wm. P. Donohoo and the sureties on his official bond from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said Citizens' national bank of Hillsboro, Ohio, after payment in full of all dividends thereon collectable from the receiver of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
127L

Passed March 25, 1896.

[House Bill No. 389.]

AN ACT

To authorize the village of Wapakoneta, Auglaize county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Wapakoneta, Auglaize county, Ohio, be and the same is hereby authorized to transfer from the general fund to the street improvement fund of said village the sum of fifteen hundred dollars (\$1,500), and to transfer from the cistern fund to the street improvement fund of said village the sum of nine hundred and forty-three dollars (\$943).

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
128L

Passed March 25, 1896.

[House Bill No. 477.]

AN ACT

To authorize the commissioners of Greene county, Ohio, to construct a certain pavement or sidewalk leading to the Ohio soldiers' and sailors' orphans' home at Xenia, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Greene county, Ohio, be and are hereby authorized and empowered to construct a good and substantial pavement or sidewalk along and upon the following described route, viz.: Beginning at the south line of the corporation of the city of Xenia at a point where it crosses the Valley turnpike road on the west side of the said road, continuing upon the west side of said road for a distance of about 700 feet to a point where the land line of said soldiers' and sailors' orphans' home crosses said Valley road. The expenses of such construction to be paid out of any money accredited to the bridge fund of said county not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
129L

Passed March 25, 1896.

[House Bill No. 513.]

AN ACT

To authorize the town council of the incorporated village of Lewisville, Monroe county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Lewisville, Monroe county, Ohio, are hereby authorized to transfer the sum of one hundred and eighty-five dollars (\$185) from the corporation fund to the board of health fund.

SECTION 2. This act to take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1896.

130L

[Senate Bill No. 186.]

AN ACT

To authorize the trustees of Euclid township, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Euclid township, in Cuyahoga county, in the state of Ohio, be and are hereby authorized to transfer one thousand (\$1,000) dollars from the poor fund to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1896.

131L

[House Bill No. 236.]

AN ACT

To create a special school district in West township, Columbiana county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following territory in West township, Columbiana county, Ohio, be and the same is hereby created and declared to be a special school district to be known as "East Rochester independent school district," to wit: Sections twenty-seven (27), twenty-eight (28), thirty-three (33), and thirty-four (34) in said township.

SECTION 2. All the school property situate within said described territory shall belong to and be the property of said independent school district; and said district shall be entitled to receive the proportionate

share of the school funds and funds levied for incidental expenses in accordance with the last enumeration of children who are entitled to attend school.

SECTION 3. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the school now in session therein; but said existing contracts shall be executed according to the terms thereof.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
132L

Passed March 30, 1896.

[House Bill No. 349.]

AN ACT

To create a special school district in Jackson township, Putnam county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in Jackson township, Putnam county, Ohio, be and the same is hereby declared to be a special school district to be known as "Jackson special district," to wit: Commencing at the southwest corner of section twenty (20) town one (1) south of range five (5) east; thence east on the south line of section twenty (20) and twenty-one (21) to the half section line of said section twenty-one (21); thence north on the half section line of section twenty-one (21) to the center of said section; thence east on the center line of section twenty-one (21) eighty (80) rods to the quarter section line of the northeast quarter of said section twenty-one (21); thence north on said quarter section line through the northeast quarter of section twenty-one (21) and through the east half of section sixteen (16) to the north line of said section sixteen (16); thence west on the north line of said section sixteen (16) to the half section line of said section sixteen (16); thence north on the half section line of section nine (9) to the center of section nine (9); thence west on the center line of section nine (9) and section eight (8) to the township line, between Jackson and Monterey townships; thence south on said township lines to the place of beginning. All of said territory being in town one (1) south of range five (5) east, and constituting the present sub-district number six (6) in Jackson township.

SECTION 2. Such special school district shall be governed by such laws as are now, or may hereafter be in force relating to special school districts. And said special school district shall be entitled to receive its proportionate share of school funds, and the funds levied for incidental expenses in accordance with the enumeration for the year 1895; that a board of education shall be elected in said special school district at the next general, or at a special election to be held in said district; notice of which election shall be given at least ten days previous to said election by notices signed by at least three electors of said special school district, and posted up at three public places therein; and the said election, and the number of members of such board of education, and their terms of office, shall be governed by the general laws now in force, relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 133L

Passed March 30, 1896.

[House Bill No. 368.]

AN ACT

To authorize the village council of the incorporated village of Wauseon, Fulton county, Ohio, to transfer certain real estate to the board of education of the special school district of said village, and to authorize said special school district to levy a tax to pay certain bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Wauseon, Fulton county, Ohio, be and are hereby authorized and empowered to sell and convey, in fee simple, subject to the payment of certain bonds hereinafter mentioned in section two of this act, to the special school district of said village of Wauseon, Ohio, all the real estate heretofore purchased by said village council under the authority of an act passed March 8, 1887, O. L. vol. 84, page 63, and an act passed March 14, 1889, O. L. vol. 86, page 491; said real estate formerly occupied by the Northwestern normal and collegiate institute.

SECTION 2. That said special school district is hereby authorized to assume the payment of the following bonds, heretofore issued by said village council under the authority of said acts mentioned in section one hereof, to wit:

Bond No. 9, due May 1, 1897, \$1,000, 6 per cent.
 Bond No. 10, due May 1, 1898, \$1,000, 6 per cent.
 Bond No. 11, due May 1, 1899, \$1,000, 6 per cent.
 Bond No. 12, due May 1, 1900, \$1,000, 6 per cent.
 Bond No. 13, due May 1, 1901, \$1,000, 6 per cent.
 Bond No. 14, due May 1, 1902, \$1,000, 6 per cent.
 Bond No. 15, due May 1, 1903, \$1,000, 6 per cent.
 Bond No. 16, due May 1, 1904, \$1,000, 6 per cent.
 Bond No. 17, due May 1, 1905, \$1,000, 6 per cent.
 Bond No. 18, due May 1, 1906, \$1,000, 6 per cent.
 Bond No. 19, due May 1, 1907, \$1,000, 6 per cent.
 Bond No. 20, due May 1, 1908, \$1,000, 6 per cent.

SECTION 3. That the board of education of said special school district of the village of Wauseon, Ohio, is hereby authorized to levy annually a tax upon all the taxable property of said school district, sufficient to pay said bonds and the interest thereon, as the same may become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 134L

Passed March 30, 1896.

[House Bill No. 429.]

AN ACT

To authorize the commissioners of Preble county to levy a tax and issue bonds to provide for deficiency in county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Preble county, Ohio, for the purpose of providing for a deficiency in the county funds of said county, arising from insufficient levies for county purposes, be, and they are hereby authorized to levy annually hereafter for a period not exceeding ten years, upon all the taxable property in said county, a tax not to exceed one-tenth (1-10) of one mill on the dollar in addition to the taxes now authorized by law for ordinary county purposes of said county.

SECTION 2. To provide for the present deficiency in the county fund of said county, said commissioners may anticipate the levy provided in section one, and are hereby authorized to issue the bonds of said county to such amount as may be necessary for the purposes named, not to exceed ten thousand dollars (\$10,000). Said bonds shall bear interest at a rate not exceeding six per cent. per annum, interest payable semi-annually, and shall be issued, signed and sold according to law in such sums and for such time as the commissioners may determine; but shall not be sold for less than their par value. Said bonds to be paid within the period of ten years from the date thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 135L

Passed March 30, 1896.

[House Bill No. 459.]

AN ACT

To authorize the board of education of Clay township, Highland county, Ohio, to issue bonds and to levy a tax to build a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Clay township, Highland county, Ohio, be and it is hereby authorized to issue the bonds of said township in a sum not exceeding five hundred dollars, bearing interest at a rate

not exceeding six per centum per annum, payable semi-annually, for the purpose of rebuilding a school-house of said township recently destroyed by fire.

SECTION 2. Said bonds shall be issued in denominations of not more than one hundred dollars each, and shall be signed by the president of the said board of education, and countersigned by the clerk of said board, and shall not be sold for less than their par value and accrued interest. Said bonds shall fall due and be payable as follows: One-half of said issue on the first day of April, 1897, and one-half on the first day of October, 1897. And said board of education is hereby authorized to levy and certify to the county auditor of said county, to be collected as other taxes, a tax on the taxable property of said township, in addition to the amount now allowed by law, sufficient to pay said bonds and the interest thereon as the same become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
136L

Passed March 30, 1896.

[House Bill No. 591.]

AN ACT

To release G. W. West and his sureties on his official bond as treasurer of Coal township and the school district thereof, Perry county, Ohio, and of the village of New Straitsville in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That G. W. West and the sureties on his official bonds as treasurer of the township of Coal and of the school district thereof, and of the village of New Straitsville, all in Perry county, Ohio, be and are hereby released from the payment of the following amounts and sums, being the funds belonging to said political divisions as follows: The township of Coal, \$93.86; the school district fund of said township \$366.24; the incorporated village of New Straitsville \$1,333.34, provided that the trustees of said township, the board of education of said district and the council of said village, after giving fifteen days' notice by publication in some newspaper of general circulation in said village and township or by printed notices posted in not less than twenty-five of the most public places in said village and township, notifying the electors thereof of the purposes and object of the election herein provided for, may submit to the qualified electors of said village, said school district and said township, at a general or special election held for that purpose, said proposition to release said G. W. West and sureties on said bonds from the payment of said sums as aforesaid and provided further that two-thirds of the electors voting on said proposition declare in favor of such release.

SECTION 2. The release of said G. W. West and his bondsmen shall in no way release the bank of New Straitsville, (in which said funds were deposited and said bank having become insolvent) from the payment of said sums or any part thereof and in case any further payments

are made thereon by said bank, the same shall be due and payable to the then treasurer of said township, said school district and said village.

SECTION 3. Those voting in favor of such release shall have written or printed on their ballots "Release of treasurer and sureties—Yes," and those opposed to such release shall have written or printed on their ballots, "Release of treasurer and sureties—No."

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
137L

Passed March 30, 1896.

[House Bill No. 693]

AN ACT

To authorize the commissioners of Meigs county, Ohio, to issue and dispose of the bonds of said county for the purpose of providing for the payment of floating indebtedness of the county fund, and providing for the payment of principal and interest of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Meigs county, Ohio, for the purpose of providing for the payment of warrants heretofore issued by the auditor of said county against the county fund of said county, which are outstanding and unpaid, for want of money in said fund, are hereby authorized to issue the bonds of said county to such an amount as may be necessary for the purpose named, but not to exceed twenty thousand dollars (\$20,000).

SECTION 2. Said bonds shall bear interest at a rate not exceeding five per centum, payable semi-annually, and shall be issued, signed and sold according to law, and shall be in denominations of one thousand dollars each, and sold for not less than their face value; said bonds to be paid within twenty years from the date of the issue thereof, in such amounts, at such times, such place and in such manner as may be prescribed by said commissioners.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same become due and payable, the said commissioners are hereby authorized to levy, annually, on all taxable property within said county, a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
138L

Passed March 30, 1896.

[Senate Bill No. 150.]

AN ACT

For the relief of the sureties of George W. Brown, treasurer of Springfield township, Muskingum county, Ohio.

WHEREAS, At the annual election for township officers held in Springfield township, Muskingum county, Ohio, in April, 1893, George W. Brown was elected treasurer for said township, for two years, and by virtue of said election became also treasurer for the board of education for said township, and

WHEREAS, Sarah A. Johnson, George W. Hissey, Elizabeth Hissey and John S. Lent became sureties for said George W. Brown upon his bonds both as treasurer for said township and treasurer for the board of education, and

WHEREAS, On or about September 25, 1895, said George W. Brown, being in default upon both of said bonds, absconded, and

WHEREAS, It appears that the electors of said township desire to vote upon the question of relieving the sureties of the said George W. Brown, upon their liability upon said bond; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of township trustees of said Springfield township, Muskingum county, are hereby authorized, directed and required to submit said question at the annual township election to be held in April, A. D. 1896. Those favoring the release of said sureties shall have printed or written on their ballots the words, "Release of sureties—Yes," and those opposed, "Release of sureties—No," and if a majority of those voting at said election favor the said release, then said sureties shall thereupon be relieved from all liability upon said bonds.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

139L.

Passed April 1, 1896.

[House Bill No. 39.]

AN ACT

To amend section 4 of an act passed April 15, 1892 (89, O. L., p. 309, 310) entitled "An act to authorize the council of any incorporated village having a population at the last federal census or any subsequent federal census of not less than four hundred and ninety-five, nor more than five hundred and five, to issue bonds and borrow money for the purpose of improving the streets of said village by macadamizing, graveling or piking."

[CONVOY, VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act entitled "An act to authorize the council of any incorporated village having a population at the last federal census or any subsequent federal census of not less than four hundred and ninety-

five nor more than five hundred and five to issue bonds and borrow money for the purpose of improving the streets of said village by macadamizing, graveling or piking," be so amended as to read as follows:

SEC. 4. Whenever the bonds of said village shall be issued as provided in this act it shall be the duty of the council of said village to levy a tax on all the taxable property of said village sufficient to pay the interest upon said bonds and the principal thereof as the same become due; and provided, that after the council of said village has made said levy and commenced grading and improving the streets of said village, as in this act provided, the property of said village shall be exempt from any levy by the commissioners of said county for the purpose of constructing, maintaining or improving roads; but this section as here amended, shall not be so construed as to remit, or cause refunder of any taxes now, or heretofore, placed upon the tax duplicate of said county for collection.

SECTION 2. Said original section 4 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 1, 1896.

140L

[House Bill No. 279.]

AN ACT

For the creation of special school district out of the territory of sub-district number 7 of Turtlecreek township, Warren county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprising the sub-district number 7 of Turtlecreek township, Warren county, Ohio, be and the same is hereby made a special school district to be known as the Harts special school district of Turtlecreek township, Warren county, Ohio.

SECTION 2. All of the school property situated within said territory shall be the property of said special school district.

SECTION 3. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent expenses in accordance with the enumeration for the year 1895, of the children who are entitled to attend school; said funds being now collected within the county and township treasury, or which may be collected, and shall in all respects be governed by such laws as are now or may be enforced relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 1, 1896.

141L

[House Bill No. 280.]

AN ACT

For the creation of special school district out of the territory of sub-district number 4, Hamilton township, Warren county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory comprising the sub-district number 4 of Hamilton township, Warren county, Ohio, be and the same is hereby made a special school district to be known as the "Smith's special school district," of Hamilton township, Warren county, Ohio.

SECTION 2. All of the school property situated within said territory shall be the property of said special school district.

SECTION 3. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent expenses in accordance with the enumeration of the year 1895, of children who are entitled to attend school; said funds being now collected within the county and township treasury or which may be collected, and shall in all respects be governed by such laws as are now or may be enforced relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHEL W. JONES,
President of the Senate.
 142L

Passed April 1, 1896.

[House Bill No. 397.]

AN ACT

To create and establish sub-school district number four in Ottawa township, Putnam county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby created and established a subschool district in Ottawa township, Putnam county, Ohio, to be composed of the following territory, to wit: Commencing for the same at the south quarter post of section fourteen (14) town one (1) north of range seven (7) east, running thence north on the center line of sections fourteen (14) and eleven (11) to the north line of the "Ottawa Indian reservation" (so called), thence west on said north line of said Ottawa Indian reservation to the north and south center line of section nine (9) in said township; thence north on said north and south center line to the center post of said section nine (9); thence west on the east and west center line of said section nine (9) to the west quarter post; thence south on the section line between sections eight (8) and nine (9) to the southwest quarter post of said section nine (9); thence east forty (40) rods; thence south one hundred and sixty rods (160); thence east forty (40) rods; thence south eighty (80) rods; thence east eighty (80) rods; thence south eighty (80) rods; thence east to the place of beginning.

SECTION 2. That said territory described in section one (1) of this act shall be known as sub-school district number four (4) of Ottawa township, Putnam county, Ohio, and the same shall be subject to the laws of the state of Ohio, governing sub-school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 1, 1896.

143L

[House Bill No. 468.]

AN ACT

To authorize the board of education of Marlboro township, Stark county, Ohio, to reimburse Comb's Bros.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Marlboro township, Stark county, Ohio, be and they are hereby authorized to reimburse Comb's Bros. in the sum of five hundred dollars (\$500) for loss sustained by said Comb's Bros. as contractors for the school-house constructed by them in district number 6 in said Marlboro township, Stark county, Ohio.

SECTION 2. That for the purpose of reimbursing said Comb's Bros. in the sum of five hundred dollars, said board of education are hereby authorized to use the money now in the funds in the treasury of said Marlboro township.

SECTION 3. Said payment shall not be made by said board of education until the question shall have first been submitted to a vote of the qualified electors of said township at a general or special election of which not less than 10 days' notice shall be given by handbills generally distributed through said township, and at said election all those desiring to vote in favor of making said payment, shall have written or printed on their ballots, "Reimbursement Combs Bros.—Yes," and all voters desiring to vote against said payment shall have written or printed on their ballots, "Reimbursement Combs Bros.—No," and if a majority of said votes cast at such election be in favor of said payment, then said board of education may proceed as authorized by this act and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 1, 1896.

144L

[House Bill No. 501.]

AN ACT

To authorize the trustees of the township of Dover, Cuyahoga county, to make additional levy for the support of public library.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Dover township, Cuyahoga county, Ohio, be and they are hereby authorized to levy for the next fifteen years one-tenth of one mill annually on the taxable property of the said township for the support and maintenance of a public library.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
145L

Passed April 1, 1896.

[House Bill No. 502.]

AN ACT

To authorize the board of education of the village district of Glendale, Hamilton county, Ohio, to cancel and deliver to Thomas Gordon his certain mortgage.

WHEREAS, Thomas Gordon did, on December 9th, 1887, execute and deliver to the board of education of the village district of Glendale, Hamilton county, Ohio, his certain mortgage on part of lot 136 in Clark and Crawford's subdivision in said village to secure the payment of his promissory note of even date with said mortgage, made to said board for the sum of three hundred and seventy-five dollars, due in one year with interest at six per cent., and

WHEREAS, After said note became due, said Gordon paid same, principal and interest in full, to the clerk of said board for said board, and said clerk surrendered said note to said Gordon, and entered a cancellation upon said mortgage, but failed to deliver it to said Gordon, and

WHEREAS, Said clerk failed and neglected to account for the proceeds of said note to said board, but converted same to his own use, and has left the state and is financially irresponsible, and

WHEREAS, Said board believes it would be grossly unjust, under the circumstances, to require said Gordon to pay again the amount of said note, and is desirous of canceling and surrendering said mortgage to said Gordon, if legally empowered to do so, now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said board of education of the village district of Glendale, Hamilton county, is hereby authorized and empowered to cancel in proper form and deliver to said Thomas Gordon said mortgage, exonerating him from any and all obligation on account of same.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 146L

Passed April 1, 1896.

[House Bill No. 593.]

AN ACT

For the relief of Chas. M. Warwick, treasurer of Valley township, Scioto county, Ohio, and the sureties on his official bond.

WHEREAS, On and prior to the 21st day of June, 1893, Chas. M. Warwick was duly elected and qualified treasurer of Valley township, Scioto county, Ohio; and

WHEREAS, The trustees of said township did not furnish said treasurer with a safe or other means of protection of funds in his hands; and

WHEREAS, As such treasurer, he, with the full knowledge of the board of trustees, and board of education of said township, and at their instance and under their direction, then had on deposit in the Citizens' savings bank of Portsmouth, Ohio, in the county of Scioto, six hundred and fifty-four dollars and sixty-nine cents (\$654.69); and

WHEREAS, Without fault or negligence on the part of said Chas. M. Warwick said bank became insolvent and did on the 21st day of June, 1893, make a general assignment for the benefit of its creditors; and

WHEREAS, Over two hundred of the qualified electors and taxpayers of said township (being more than 75 per cent. of the taxpayers and more than 90 per cent. of the electors thereof) have petitioned this general assembly to pass an act to relieve said treasurer and the sureties on his official bond;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said Chas. M. Warwick and the sureties on his bond as treasurer as aforesaid, be and are hereby relieved and released from the payment to the treasurer of said township aforesaid, or to the officers thereof, of whatever part of said \$654.69 as is now due said Chas. M. Warwick as treasurer as aforesaid from said Citizens' savings bank of Portsmouth, Ohio, upon the final settlement of the affairs of said bank, and they and each of them shall be relieved of any and all liability for said sum. And the board of trustees of said township and the board of education thereof are hereby authorized and required by suitable resolutions to make entry on the records of said township releasing said Chas. M. Warwick and the sureties on his official bond from the payment of any balance remaining unpaid of said money deposited by him in said bank. And the trustees of said bank are hereby authorized and required to pay to the treasurer of said township all dividends that may hereafter be declared from the assets of the bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
147L

Passed April 1, 1896.

[House Bill No. 602.]

AN ACT

To create a special school district in Jackson township, Ashland county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the following described territory in Jackson township, Ashland county, Ohio, be and the same is hereby declared to be a special school district, to be known as Polk special school district, to wit: Commencing at the southwest corner of section nineteen (19); thence running north on township line to the northwest corner of section nineteen (19); thence due west one hundred and sixty rods (160); thence north one hundred rods (100); thence east forty-eight rods (48); thence north sixty rods (60); thence east one hundred and twelve rods (112); to the township line; thence north on said township line to the northwest corner of section eighteen (18); thence due east five hundred and sixty rods (560); thence due south four hundred and eighty rods (480); thence west one hundred and sixty rods (160); thence south one hundred and sixty rods (160); thence west four hundred rods to the place of beginning.*

SECTION 2. Such special school district shall be governed by such laws as are now or may hereafter be in force relating to special school districts. And said special school district shall be entitled to receive its proportionate share of school funds, and the funds levied for incidental expenses in accordance with the enumeration for the year 1895; provided, a board of education shall be elected at a special election in said special school district on or before the sixteenth day of June, 1896, at least six days' notice of which election shall be given by notices signed by at least three electors of said special school district and posted at three public places therein; and the said election, the number of members of such board of education and their terms shall be governed by the general laws now in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
148L

Passed April 1, 1896.

[House Bill No. 694.]

AN ACT

To authorize cities of the second class, third grade *a* to issue bonds for cemetery purposes.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto concurring and declaring the same to be necessary, be and it is hereby authorized and empowered to issue bonds of said city not exceeding in the aggregate the sum of five thousand dollars for the purpose of buying real estate and improving same for cemetery purposes.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding twenty years, and bear such rate of interest not exceeding six per cent., payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which such bonds are issued, and such bonds shall be designated cemetery bonds.

SECTION 3. The council of any such city is hereby authorized, empowered and directed to levy and collect, from time to time, upon all taxable property of such city, a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
149L

Passed April 1, 1896.

[Senate Bill No. 26.]

AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county hereby are authorized when all other free turnpikes authorized to be built are paid for, and the resident landowners along the route of road hereinafter named shall secure to the county the right of way, and all the earth, gravel and stone necessary to the construction of said road free of cost and expense to the county, to construct a free turnpike along the following route, to wit: "Beginning at a point in the center of the Waverly and Crooked creek

turnpike, in Pee township, Pike county, Ohio, at the place where the road commonly known as the 'Prussia road' intersects with said Waverly and Crooked creek turnpike, and running thence, following the route of the said Prussia road, to the county line, between Ross and Pike counties."

SECTION 2. That for the purpose of building said road and to obtain the money therefor, the commissioners shall have the right when they have determined to build said road, to issue the bonds of said county, not to exceed one thousand dollars per mile, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such times and dates as the commissioners may deem best; to bear interest at a rate not greater than six per cent., and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and interest thereon as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar annually, of the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act all duties not herein expressly set forth shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
150L

Passed April 3, 1896.

[Senate Bill No. 51.]

AN ACT

To authorize the commissioners of Jackson county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Jackson county, Ohio, be and they are hereby authorized to transfer two thousand seven hundred dollars (\$2,700) from the building fund, seven thousand two hundred and nine dollars and thirty-one cents (\$7,209.31) from the poor fund, and ninety dollars and sixty-nine cents (\$90.69) from the forfeited land fund, to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
151L

Passed April 3, 1896.

[Senate Bill No. 188.]

AN ACT

Relating to the township cemetery of Miami township, Clermont county, at Milford

WHEREAS, The trustees of Miami township, Clermont county, Ohio, by resolution spread upon their minutes, have procured for cemetery purposes, a tract of land in said township, and in the year 1895 had the same conveyed to them, and,

WHEREAS, The said trustees caused to be issued the bonds of said township, bearing date July 17, 1895, and sold the same which are now held by different persons, and,

WHEREAS, By an error as to the amount of taxable property there is in said township under the limit of taxation for such purposes, enough money can not be raised annually to meet the interest on the bonds, and the maturing portion thereof, and,

WHEREAS, The failure to meet the bonds at maturity has been and will continue to be injurious to the credit of the township, and raises a question as to the validity of said purchase of land and the sale of said bonds, and will affect the sale of lots in said cemetery, now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the purchase of a tract of land by the trustees of Miami township, Clermont county, Ohio, in the year 1895, for cemetery purposes, be and the same is hereby ratified and affirmed, and the said lands shall be held by the trustees of said township and their successors in office for cemetery purposes, with the power to lay out the same into lots, and sell the same for burial purposes, and the money arising therefrom shall be placed in a fund to be used only for the purpose of keeping up and improving the said cemetery, and any surplus on hand may be invested in U. S. bonds, or the bonds of this state, or of any county, township, school district or municipal corporation of the state. And the bonds issued by said trustees, July 17, 1895, are hereby declared to be valid indebtedness of said township, subject to be redeemed and refunded as provided in the next section.

SECTION 2. The said trustees are hereby authorized to issue a sufficient amount of bonds at a rate of interest not exceeding six per cent. per annum, payable semi-annually, the principal to be payable in semi-annual instalments, and to run for such length of time as from the limit of taxation it may be necessary, in order to meet the payment of interest and semi-annual instalment of principal falling due; and they are hereby authorized to sell said bonds at not less than par, and apply the proceeds thereof to the redemption of the bonds issued July 17, 1895.

SECTION 3. To meet the payment of the interest and principal of the bonds issued as authorized in the preceding section, the trustees of said township are hereby authorized to levy upon all the taxable property of said township during each and every year said bonds have to run, a tax not exceeding five-tenths of a mill.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 3, 1896.

152L

[Senate Bill No. 193.]

AN ACT

To authorize the transfer of certain funds by the trustees of Lee township, Athens county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Lee township, Athens county, Ohio, are hereby authorized to transfer from the road improvement fund to the road fund of said township, the sum of \$165.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 3, 1896.

153L.

[Senate Bill No. 220.]

AN ACT

To authorize the council of the village of Deshler, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Deshler, Henry county, Ohio, be and is hereby authorized to transfer to the credit of the general, fire, sinking and lighting funds any moneys now to the credit of any other funds of said village. Provided, however, that the total amount of said transfer shall not exceed \$9,000.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 3, 1896.

154L.

[Senate Bill No. 222.]

AN ACT

To authorize the board of education of the Roseville special school district to sell certain property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Roseville special school district, be and the same is hereby authorized to sell and convey school lot No.

48 in said village of Roseville in the county of Muskingum, to the highest bidder and apply the proceeds thereof for school purposes.

SECTION 2. This act shall take effect on and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 3, 1896.

155L

[Senate Bill No. 230.]

AN ACT

To authorize the board of education of the Adamsville union school district in Salem township, Muskingum county, to lease an unused room (or hall) in their school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Adamsville union school district be and are hereby authorized and empowered to lease a room in their school building not used or needed for school purposes to the knights of Pythias or to the grand army of the republic, or both.

SECTION 2. The said board of education shall reserve the power to terminate said lease or leases, whenever such now unused room, shall be needed for school purposes.

SECTION 3. This act shall take effect from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 3, 1896.

156L

[House Bill No. 517.]

AN ACT

To establish a board of water and light trustees in villages in counties containing a city of the second class, third grade b, being applicable to villages of said county, Ohio.

[OXFORD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in counties containing a city of the second class, third grade "B," a village having a population of 1922 at the last federal census there shall be a board of water and light trustees composed of three members, electors of the said village, to be appointed by the mayor and confirmed by the council of said village, as soon as practicable after the passage of this act, who shall be appointed one for one year, one for two years and one for three years, and thereafter at the expiration of each term one member shall be appointed to serve for the term of three years; and all vacancies that may occur in said board of trustees, through death, resignation or otherwise, may be filled by appointment of said mayor and by confirmation of said village council; the members of said board before

entering upon their duties shall take and subscribe an oath, which shall be filed and kept by the village clerk, to support the constitution of the United States, the state of Ohio, and in all their official actions and judgments to aim only to secure and maintain an honest and efficient administration of the water and light plants of said village; and the appointed members shall serve until their successors are appointed and qualified; and for their services each of said trustees shall receive a salary of not more than \$25 per year.

SECTION 2. A member of said board may be removed from office for misfeasance, malfeasance or nonfeasance in office in the manner provided for the removal of officers by the statutes of Ohio.

SECTION 3. Said board of trustees shall maintain and operate the water works system and electric light plant of said village; may make rules and regulations for the maintaining and operating said plants; shall furnish water and electric light to said village and may sell and furnish water and electric light to the citizens desiring to use the same, on such terms and at such prices as said board may prescribe; collect all bills and moneys due for water and light sold by said board and pay the same to the treasurer of said village, who shall keep two separate funds, one being the light and one being the water fund; may manage, conduct and control said water and light plants of said village, may purchase materials, and employ laborers to maintain and operate said water and light plants; may also pass upon, certify and order paid by the treasurer of said village out of the funds to the credit of said board in said water and light funds all debts contracted by said board, and all bills made under its direction and all expenditures necessary for the maintaining and operating said water and light plants; and said board shall be required to report to council quarterly or as often as said council may order. And the said board of electric light trustees heretofore created is hereby abolished.

SECTION 4. Within twenty days after the appointment and qualification of the original board appointed pursuant hereto, said members shall meet and effect an organization of said board by the selection of a president and the election of a secretary for said board; said president shall preside at the meetings of said board and perform such other duties as may be prescribed by the board. The secretary of said board shall keep the records of said board and have charge of the office of said board, receive all moneys due the board and pay the same over to the treasurer of the village taking his receipt for the same and shall perform such other duties as may be required of him by the board. The secretary shall be elected annually by the board for the period of one year and shall receive a salary to be fixed by the board, and shall give a bond in the sum of \$1,000 conditioned for the faithful performance of his duties, and for the faithful accounting of all moneys that may come into his hands as such secretary; said bond to be approved by said board and to be filed with the village clerk.

SECTION 5. The said board of water and light trustees shall be provided with suitable rooms or office in which to transact its business as in the judgment of said board is necessary and all expenses on this account shall be borne by the village.

SECTION 6. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed in so far as they may apply to villages herein specified and described, and all ordinances of such vil-

lages heretofore adopted which may be inconsistent or in conflict with the provisions of this act are hereby set aside, repealed and held for naught, in so far as the same are inconsistent or in conflict with the provisions of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

157L

[House Bill No. 533.]

AN ACT

To authorize the county commissioners of Lake county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lake county, Ohio, be and are hereby authorized to transfer to the bridge fund of said county the sum of one thousand five hundred (\$1,500) dollars from the building fund and the sum of five hundred (\$500) dollars from the dog tax fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

158L

[House Bill No. 540.]

AN ACT

To amend an act entitled "An act to authorize the trustees of the gas works of municipal corporations not having sinking fund trustees and owning gas works to create a sinking fund of the surplus revenues of such works, for the purpose of meeting and paying off when due, or buying in before due, any long-time gas bonds of such municipal corporation, and to invest all moneys not required for other purposes in other bonds," passed April 18th, 1892 (89 O. L., 375).

[FOSTORIA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize the trustees of gas works of municipal corporations," etc., passed April 18, 1892 (89 O. L., 375), be and the same is hereby amended to read as follows:

SEC. 1. That the surplus of all revenues received by the trustees of the gas works of any municipal corporation, which does not have a board of sinking fund trustees, and owning gas works above the revenue

required for the proper conduct and management of the gas works therein and the payment of the bonds issued for gas works purposes and the interest on the same, may at any time be set aside and thereafter considered a separate fund to be known as the "gas works sinking fund"; and said fund shall be held for the purpose of meeting and paying off when due, or buying in before due, any long-time bonds issued by such municipal corporation for gas works purposes, and said trustees shall have the control of said fund and shall invest all moneys placed in said fund not required to meet maturing gas works bonds of such municipal corporation in bonds of the United States, the state of Ohio, or any city or village in the state of Ohio, and the trustees shall give preference to the bonds of the city or village of its respective class and grade when they can be purchased at a price equal to or less than the bonds of the United States, or the state of Ohio, taking into consideration the rate of interest on each; all interest received by them shall be invested in like manner, and at no time shall there be over ten thousand dollars kept upon deposit if investments can be made; but the sinking fund and bond purchases hereby authorized shall be limited in amount to the bonded indebtedness of such municipal corporation for gas works purposes, and no bonds shall be purchased which will not be due and payable before such bonded indebtedness falls due. The surplus of all revenues received by the trustees of the gas works of such municipal corporation, above the revenue required for the proper conduct and management of the gas works therein, and the payment of the bonds issued for gas works purposes, and the interest on the same, after the full amount hereby authorized to be paid into the sinking fund and invested in bond purchases shall have been so paid in and invested, may at any time be paid by such trustees into the general purpose fund of such municipal corporation.

SECTION 2. That said act passed April 18, 1892 (89 O. L. 375), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 159L

Passed April 6, 1896.

[House Bill No. 549.]

AN ACT

To create a special school district out of certain territory in Brush creek township, Jefferson county, Ohio, and Washington township, Columbiana county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following territory in Brush creek township, Jefferson county, Ohio, to wit: Being all of sections thirty-three (33) and twenty-seven (27) and the northeast fourth ($\frac{1}{4}$) of the northwest fourth ($\frac{1}{4}$) of section twenty-six (26), the northwest fourth ($\frac{1}{4}$) of the northeast fourth ($\frac{1}{4}$) of section twenty-six (26), the northwest fourth ($\frac{1}{4}$) of the southwest fourth ($\frac{1}{4}$) of section twenty-one (21), and the west half ($\frac{1}{2}$) of the northwest fourth ($\frac{1}{4}$) of section twenty-one (21) in said township, and the following territory in Washington township, Columbiana county, Ohio,

to wit: Beginning at the southwest corner of said township and running thence north with the west line of said township to the south line of the Salineville union school district, thence east with the south line of said school district to the northeast corner of Barcus Brothers' lands in the northwest one-fourth of section twenty-two (22) in said township, thence south to the Jefferson county line and thence west with the Columbiana and Jefferson county line to the place of beginning, be and is hereby created and declared to be a special school district to be known as the "Monroeville special school district."

SECTION 2. All the property situated within the said described territory shall belong to and be the property of said special school district; and said special district shall be entitled to receive the proportionate share of the school funds levied for the incidental expenses in accordance with the last enumeration of children who are entitled to attend school.

SECTION 3. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the school now in session therein.

DAVID L. SLEEPER,
Speaker of the House of Representatives
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

160L

[House Bill No. 670.]

AN ACT

To authorize the transfer of funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Kent, Portage county, Ohio, be and is hereby authorized to transfer from the police fund of said village to the fire and water fund a sum not exceeding eleven hundred dollars (\$1,100) and from the "new street fund" to the "street fund" a sum not exceeding eighty-two dollars and ninety-three cents (\$82.93).

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 6, 1896.

161L

[Senate Bill No. 167.]

AN ACT

To amend section 1 of an act entitled "An act supplementary to an act to authorize the improvement of public roads in certain townships by the township trustees thereof," passed March 19, 1891 (88, O. L., 144), providing for the election of a superintendent of roads therein, passed April 24, 1893 (L. L. O., 1893, 82).

[POLK TOWNSHIP, CRAWFORD COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act supplementary to an act to authorize the improvement of public roads in certain townships by the township trustees thereof, passed March 19, 1891 (88 O. L., 144), providing for the election of superintendent of roads therein," passed April 24, 1893 (L. L. O., 1893, 82), be amended to read as follows:

SEC. 1. That in any township in this state, wherein ten or more miles of the public roads therein have been improved, under the provisions of an act of the general assembly of the state of Ohio, entitled "An act to authorize the improvement of public roads in certain townships by the township trustees thereof," passed March 19, 1891 (88 O. L., 144), at the first spring election of township officers, and every two years thereafter, there shall be elected a superintendent of roads, whose term of office shall be two years; and such superintendent shall be elected in like manner, on like notice, as other township officers; and the office of supervisor of roads is hereby abolished in such townships.

SECTION 2. That said original section 1 be, and the same is, hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHEL W. JONES,
President of the Senate.
 162L

Passed April 8, 1896.

[Senate Bill No. 169.]

AN ACT

Supplementary to an act to authorize the trustees of Polk township, Crawford county, Ohio, to improve the Fairview road under the provisions of an act entitled, "An act to authorize the improvement of public roads in certain townships, by the township trustees thereof," passed March 19, 1891 (88, O. L., 144), passed March 10, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Polk township, Crawford county, in order to provide a suitable roadway to Fairview cemetery, in said township, may improve Liberty street in the city of Galion, Ohio, between Walnut street and Payne avenue, and Payne avenue from Liberty street to Fairview road, under the provisions of an act entitled, "An act to authorize the improvement of public roads in certain townships, by the township trustees thereof," passed March 19, 1891 (O. L., 88, v. 144), but the roadway shall be constructed of macadam or other approved material, and shall not be less than sixteen feet wide.

SECTION 2. The trustees of said township shall pay for said improvement in the manner provided for in said act.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 163L

Passed April 8, 1896.

[Senate Bill No. 170.]

AN ACT

To amend section 21 of an act entitled "An act to authorize the improvement of public roads in certain townships, by the township trustees thereof," passed March 19, 1891 (88 O. L., 144).

[POLK TOWNSHIP, CRAWFORD COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 21 of an act of the general assembly of the state of Ohio, entitled "An act to authorize the improvement of public roads, in certain townships, by the township trustees thereof," passed March 19, 1891 (88 O. L., 144), be amended so as to read as follows:

SEC. 21. To provide a fund for keeping in repair, such improved roads, the trustees of any township may levy annually, an amount not exceeding one mill upon each dollar of the valuation of all the taxable property of such township, including such city, in addition to other road taxes, which they are authorized to levy.

SECTION 2. That said original section 21, be, and the same is, hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 164L

Passed April 8, 1896.

[Senate Bill No. 213.]

AN ACT

To authorize the commissioners of Cuyahoga county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Cuyahoga county, Ohio, be and they are hereby authorized to transfer thirteen thousand seven hundred and ninety-four dollars and sixty-two cents (\$13,794.62) from the county ditch fund of said county to the county bridge and road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 165L

Passed April 8, 1896.

[House Bill No. 238.]

AN ACT

To authorize the board of administration of Cincinnati, Hamilton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boards of administration in cities of the first grade of the first class thereof be, and they are hereby authorized and empowered to transfer the sum of seven thousand, five hundred and thirty-one and 66-100 (\$7,531.66) dollars, from the boulder pavement fund, created by an act entitled "An act to supplement an act passed April 15, 1890 (O. L. 87, p. 201), entitled 'An act supplementary to section 2293 of the Revised Statutes of Ohio, to authorize villages in certain instances to make street improvements and issue bonds to defray portions of expenses thereof,'" passed March 25, 1891 (O. L. 88, p. 207), to the general fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 166L

Passed April 8, 1896.

[House Bill No. 512.]

AN ACT

To amend section 76 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 76 of an act entitled "An act to provide for a more efficient government for cities of the second grade of the first class," passed March 16, 1891, be amended so as to read as follows:

SEC. 76. When the corporation makes an improvement or repair or purchases any supplies the cost of which will exceed five hundred dollars (\$500) it shall proceed as follows:

1. It shall advertise for bids for a period of two weeks, once each week; or if the estimated cost exceeds \$5,000, four weeks, once each week, in two newspapers of general circulation, of opposite politics, published

in the corporation, and the same shall be paid for at rates not exceeding rates provided for in section 4 of this act.

2. The bids shall be filed with the clerk of the board of control, sealed up by twelve o'clock at noon of the last day as stated in the advertisement.

3. The bids shall be opened at twelve o'clock at noon on the last day for filing the same, by the clerk of the board of control, the mayor and the head of the appropriate department, or any two of them, and publicly read by the officer opening the same, filed in the office of the board of control, and reported by the clerk of the board to the council at the next regular meeting thereafter, and copies of all bids shall be kept by the clerk in a book provided for that purpose.

4. Each bid shall contain the full name of every person interested in the same, and shall be accompanied with a certified check on a solvent bank of any such city for such an amount and upon such terms as may be prescribed by the officer or officers advertising for proposals, that if the bid is accepted the contract will be entered into and the performance of it promptly secured.

5. If the work for bid embraces both labor and material, they shall be separately stated with the price thereof.

6. None but the lowest and best responsible bid shall be accepted when such bids are for material and labor separately, but the council may at its discretion reject all bids or accept any bid which may be the lowest aggregate cost, when recommended by the board of control.

7. The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash; provided, however, that the contract price for an improvement, for the payment of the cost of which a special assessment is authorized by law, may be paid in installments as the council may have previously determined.

8. If two or more bids are equal for the whole or any part of the work, but are lower than any others, either may be accepted, but in no case shall the work be divided between them.

9. When there is reason to believe that there is collusion or combination among the bidders or any number of them, the bids of those concerned therein shall be rejected; provided, that in case of emergency and upon the recommendation of the mayor, the council may, by resolution, authorize an expenditure not exceeding \$1,000 without complying with the provisions of this section.

SECTION 2. That said original section 76 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 8, 1896.

167L

[House Bill No. 614.]

AN ACT

To release the sureties on the official bond of George W. Smith, ex-treasurer of Green township, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Green township, Hocking county, Ohio, is hereby authorized to fully release and discharge W. F. Smith, H. C. Smith and W. F. Sparks, sureties on the official bond of Geo. W. Smith as treasurer of the school fund of said township of Green. Provided the trustees of said township of Green shall submit said proposition to release, upon ten days' notice being given by printed notices put up in five of the most public places of the township, to the qualified electors of said township at any special or general election, and the majority of electors at such election voting on said proposition shall declare in favor of such release. Those favoring such release shall have printed or written on the regular tickets voted by them the words, "Release of treasurer's sureties—Yes." And those opposed, "Release of treasurer's sureties—No."

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
168L

Passed April 8, 1896.

[House Bill No. 287.]

AN ACT

To authorize the board of commissioners of sewers in cities of the third grade *b*, of the second class, to make certain street improvements.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the third grade *b*, of the second class, the board of commissioners of sewers of any such city shall have authority to cause any of the streets, avenues or highways of said city to be improved by paving the same with granite, or other stone block, asphalt, vitrified brick or other permanent material, as provided for in section 2, of an act entitled "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessment, and to repeal 'An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the assessment,' passed April 18, 1893," passed March 29, 1894 (vol. 91, page 579, O. L.), and said board of commissioners of sewers shall carry out and be governed by the provisions of said act and any duty required therein to be done or performed by council, as to said improvements, provided for in section 2 of said act, shall devolve upon the said board of commissioners of sewers. Said

board of commissioners of sewers shall have full and final authority in any such improvement to make such change or changes in the grade of any street, avenues or highways to be so improved as it may deem necessary, to best conform the same to such contemplated improvement and such change of grade shall be published with the advertisement provided for in section 3 of the above named act in vol. 91, page 579, of the Ohio laws; provided, however, that said board of commissioners of sewers, before declaring the necessity of any such improvement shall have full authority to have all necessary sewer, water and gas connections laid from the main line or pipe in said street, avenue or highway to the curbstone, and may include in said improvement such reconstruction of the curb as it may deem necessary.

[SECTION] 2. In making such improvement provided for in section 2 of said act, the board of commissioners of sewers shall be governed by the provisions of an act passed March 29, 1894, entitled "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessment and to repeal 'An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the assessment,' passed April 18, 1893" (O. L. vol. 91, page 579), except that the said board of commissioners of sewers shall have and exercise all the powers and perform all the duties of council in declaring the necessity of said improvement, the passage of the resolution and ordinance ordering said improvement, advertising for bids, awarding and making of contracts for said improvement, the prosecution of said work, making and levying assessments therefor, the enforcement and collection thereof, the certificates of any unpaid assessment to the county auditor to be placed upon the tax list, issuing of any bonds therefor and sale thereof, and payment of the contractor, and levying the tax authorized in section 11 of said act above referred to; said board of commissioners of sewers shall have and exercise all the powers now vested in and shall be subject to all the restrictions and regulations now imposed upon the council of any such city as to said improvement, except as herein altered or amended, it being the intention and meaning thereof that in all such improvements it shall not be necessary to have the action and concurrence of council in any of said proceedings.

SECTION 2. That if said improvements of paving the streets, avenues or highways be made under the provisions or authority of any other act than that mentioned in section 1 of this act, or any section or sections of the statutes of Ohio providing for such improvements, the said board of commissioners of sewers shall have authority to make such improvements, and shall carry out and be governed by the provisions of any such act or sections, and any duty required therein to be done or performed by council shall devolve upon the said board of commissioners of sewers; and said board of commissioners of sewers shall have and exercise all powers now vested in and shall be subject to all the restrictions and regulations now imposed upon the council of any such city, and it shall not be necessary to have the action or concurrence of council in any of said proceedings.

SECTION 3. From and after the passage of this act the council of such cities shall have no power to take any of the steps or to exercise any of the powers vested in said board of commissioners of sewers by this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
169L

Passed April 10, 1896.

[House Bill No. 336.]

AN ACT

To authorize the commissioners of Harrison county to construct a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Harrison county, Ohio, be and they are hereby authorized, empowered and required to construct, at the expense of said county, a good, substantial free turnpike on the following route, to wit: Beginning at a point in Cadiz township where the Cadiz pike ends, on the public road leading from Cadiz to New Philadelphia, and near the fish pond of Samuel Hedge, thence along said public road in a westerly direction passing through the infirmary farm of said county and to the west boundary thereof.

SECTION 2. Said commissioners or a majority of them shall, and they are hereby required, at their next regular session after the passage of this act, to agree upon plans and specifications for said free turnpike road and to let the construction thereof forthwith to the lowest bidder, giving the usual notice thereof to bidders. And said commissioners may authorize the contractor to use, in the construction of said free turnpike, limestone to be taken from the infirmary farm at such points as will, in their judgment, do least injury to the farm.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
170L

Passed April 14, 1896.

[House Bill No. 353.]

AN ACT

To authorize villages to borrow a sum not exceeding forty thousand (\$40,000) dollars to pay existing indebtedness, and to issue bonds therefor.

[NORWOOD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which contained at the last federal census, or which shall contain hereafter at any other federal census, a population of not less than one thousand three hundred and sixty, and not more than one thousand four hundred and ten, in counties containing a city or cities of the first grade of the first class, be and said council is

hereby authorized and empowered to borrow a sum of money not exceeding forty thousand (\$40,000) dollars, at a rate of interest not to exceed six (6) per centum, payable semi-annually, to pay existing indebtedness against the general revenue fund existing at the time of the passage of this act, and to meet deficiencies in street, sidewalk and sewer assessments.

SECTION 2. For the purposes of securing said loan, any such village is hereby empowered to issue its bonds for the aggregate amount borrowed, in such denominations and payable at such time or times, within twenty-five years from the date of issue, as the council may determine.

SECTION 3. Said council shall annually thereafter cause the necessary taxes to be levied, not exceeding two (2) mills in any one year, in addition to those now authorized by law, to pay the principal and interest on said bonds, as the same shall become due, in the manner already provided by law for levying and collecting taxes for municipal purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
171L

Passed April 14, 1896.

[House Bill No. 444.]

AN ACT

To authorize the commissioners of Hamilton county to issue bonds for the purpose of rebuilding the Mitchell avenue aqueduct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county are authorized, for the purpose of rebuilding the aqueduct under the Miami and Erie canal, crossing Mitchell avenue, in said county, to issue the bonds of said county, not to exceed in the aggregate the sum of one hundred thousand dollars (\$100,000), in such denominations as said commissioners may deem proper, bearing interest not to exceed four per centum per annum, payable semi-annually, and running twenty years, but redeemable at any time after ten years at the option of said county commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
172L

Passed April 14, 1896.

[House Bill No. 488.]

AN ACT

To detach certain territory from the incorporated village of Latty, Paulding county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the south one-half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section number thirty-six (36) in township number two (2) north, of range number two (2) east in Paulding county, Ohio, the same now being within the limits of, and a part of the incorporated village of Latty in said county of Paulding, be and the same hereby is detached from said incorporated village; and that the county auditor of Paulding county make all proper transfers, and make and deliver to the recorder of said county to be by him recorded, such plat of the land hereby detached as is necessary to carry into effect the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
173L

Passed April 14, 1896.

[House Bill No. 527.]

AN ACT

To authorize the commissioners of Franklin county, Ohio, to issue bonds to meet and provide for the deficiency in the county funds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Franklin county, Ohio, for the purpose of meeting and providing for the deficiency in the general expense fund, the bridge fund and the poor fund of said county, are hereby authorized to issue bonds in an amount not to exceed four hundred thousand dollars (\$400,000); said bonds shall be of the denomination of one thousand dollars (\$1,000), each to bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, to be due and payable at such time and place as said commissioners may determine, not exceeding sixteen years from the date of same, and shall be sold to the highest bidder or bidders, after being advertised in accordance with the provisions of the act passed March 22, 1883, vol. 80, Ohio laws, page 68, regulating bond sales.

SECTION 2. That for the redemption of said bonds and the interest thereon, the county commissioners of said county are hereby authorized to levy a tax on all taxable property of said Franklin county, in addition to the taxes now authorized by law, for such years and in such amounts as shall be necessary to meet and pay the interest and principal of said bonds, as the same may become due and payable.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 174L

Passed April 14, 1896.

[House Bill No. 674.]

AN ACT

To create a special school district in Helena, Sandusky county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following territory, to wit: Beginning at the southwest corner of section thirty-one (31), Washington township; thence north on the township line to the half section line of said section; thence east on said half section line one mile; thence south on the east section line of said section thirty-one (31) to the township line road between Washington and Jackson townships; thence east on said township line to the quarter section line of section five (5), Jackson township; thence south on said quarter section to the south line of said section five (5); thence west on the section line to the southwest corner of section six (6), Jackson township; thence north on the west line of said section six (6) to the southwest corner of section thirty-one (31), Washington township, to the place of beginning, shall be and the same is hereby created and declared to constitute a special school district, to be known as the "Helena special school district."

SECTION 2. All the school property situate within said described territory shall belong to and be the property of said special school district; and said district shall be entitled to receive the proportionate share of the school funds and funds for school-house and incidental expenses belonging to joint sub-school district number two (2) in said Jackson township for the current year.

SECTION 3. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the schools now in session therein: but said existing contracts shall be executed according to the terms thereof.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 175L

Passed April 14, 1896.

[House Bill No. 695.]

AN ACT

To establish a special school district in Erie township, Ottawa county, to be known as the La Carne special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a special school district, in the township of Erie, Ottawa county, Ohio, to be known as the La Carne special school district, be and the same is hereby established in and of the following described territory, to wit: Fractional section four (4), fractional section five (5), east three-fourths ($\frac{3}{4}$) of fractional section six (6), east three-fourths ($\frac{3}{4}$) of section thirty-one (31), all of sections thirty-two and thirty-three (32) and (33), and the south one-half of the south one-half of section twenty-nine (29), in towns No. six (6) and seven (7), range sixteen (16), Erie township, Ottawa county, Ohio.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses, in accordance with the enumeration of the year 1895, of school children entitled to attend school; said funds being those now collected within the township or county treasuries, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
176L

Passed April 14, 1896.

[House Bill No. 750.]

AN ACT

To authorize the council of the incorporated village of Paulding, Paulding county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Paulding, Paulding county, Ohio, be and is hereby authorized to transfer the sum of one thousand dollars from the expense fund of said village, to the Perry street improvement fund of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
177L

Passed April 14, 1896.

[House Bill No. 392.]

AN ACT

To authorize the village of Lynchburg, Highland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Lynchburg, Highland county, Ohio, be and the same is hereby authorized and empowered to transfer \$2,226,—“town hall improvement funds” (arising from a seven mill levy in June, 1895, for said improvement); to the electric light and water works fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 16, 1896.

178L

[House Bill No. 475.]

AN ACT

For the relief of L. Dellinger, marshal of the village of Bloomingburg, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Bloomingburg, Ohio, be and is hereby authorized and empowered to pay to L. Dellinger, marshal of said village, such sum out of the general fund of said village, as to [it may] appear just and equitable, for the purpose of reimbursing him for and on account of a judgment for one cent damages and costs of suit recovered against him and attorney fees paid out by reason of a certain action against him as marshal of said village by one L. O'Brien, but in no event shall the sum so paid said L. Dellinger exceed \$72.50.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 16, 1896.

179L

[House Bill No. 607.]

AN ACT

To authorize the board of county commissioners of Defiance county, Ohio, to purchase a suitable cemetery lot wherein to inter the remains of any honorably discharged soldier, sailor or marine, and the remains of the mother, wife or widow of any such soldier, sailor or marine, and erect upon such cemetery lot a proper and suitable monument.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Defiance county, Ohio,

be and said board hereby is authorized and empowered to purchase a suitable cemetery lot, in such cemetery in said county as the said board may deem proper, whereon to inter the remains of any honorably discharged ex-union soldier, sailor, or marine or the remains of the mother, wife or widow of any such soldier, sailor or marine, required to be buried at public expense under the provisions of an act passed April 11, 1884 (vol. 81, p. 146), amended April 13, 1893, (Vol. 90, p. 176), entitled "An act authorizing the burial of the body of any honorably discharged ex-union soldier, sailor or marine of this state who shall hereafter die without leaving means sufficient to defray funeral expenses." And to erect on such lot a proper and suitable monument.

SECTION 2. The persons whose duty it is to look after and cause to be interred the body of any soldier, sailor or marine and the body of the mother, wife or widow of any such soldier, sailor or marine under the provisions of the act referred to in section one of this act, may cause such interment to be made upon the cemetery lot purchased by the said board of county commissioners under the provisions hereof.

SECTION 3. The said board of county commissioners may pay out and expend in the purchase of such cemetery lot and in erecting thereon such suitable monument not to exceed four hundred (\$400) dollars to be paid out of whichever fund or funds of said county, not otherwise appropriated, said board of county commissioners may by resolution direct, and said board may expend annually not to exceed twenty-five dollars (\$25) in improving, ornamenting and beautifying such lot.

SECTION 4. This act shall be in force and take effect from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

180L

[House Bill No. 676.]

AN ACT

To authorize the board of commissioners of Scioto county, Ohio, to make an additional levy for the purpose of liquidating the existing bonded and other indebtedness of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Scioto county, Ohio, be and are hereby authorized, in addition to any levies now authorized by law to make an additional and special levy for the years 1896, 1897, 1898, 1899, 1900 and 1901 of one and six-tenths mills on each dollar of valuation of taxable property within said county, the proceeds of said levy to be applied by the board of commissioners in paying off and liquidating the bonded and other indebtedness of said county.

SECTION 2. This act shall take effect and be in force on and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

181L

[House Bill No. 713.]

AN ACT

To amend section 6 of an act passed April 16, 1883 (80 O. L., 143), entitled "An act to provide for the construction and repair of sewers in cities of the second grade of the first class."

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6 of an act passed April 16, 1883, entitled "An act to provide for the construction and repair of sewers in cities of the second grade of the first class," be and the same is hereby so amended as to read as follows:

SEC. 6. The council may, if by it deemed expedient, provide for the construction of main sewers (which designation shall include trunk or intercepting sewers, so called); without regard to sewer districts, and apportion the cost and expense thereof equitably among the districts, directly or indirectly sewered in whole or in part thereby, and assess and collect the amount apportioned to each district in the manner prescribed in this act for the assessment and collection of the cost and expense of constructing main sewers in sewer districts; or, the council may so apportion a part only of such cost and expense among the districts directly or indirectly sewered in whole or in part thereby, and provide for the payment of the residue thereof by the city at large. And for the purpose of providing a fund for the payment of the part so apportioned to be paid by the city at large, any such city is hereby authorized to borrow not to exceed seven hundred and fifty thousand (\$750,000) dollars at a rate of interest not to exceed five (5) per cent. per annum, payable semi-annually, and to issue and sell its bonds therefor, at such times and in such denominations and payable at such time or times, not exceeding thirty (30) years from their date as the council may determine. Such bonds shall, in all other respects, conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of Ohio; and for the purpose of paying the interest and principal of said bonds, as the same shall become due, said council is hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax upon the property subject to taxation in such city sufficient in amount to pay such interest and principal, and such taxes shall be levied and collected in the same manner as other taxes.

SECTION 2. That said original section 6 of said act, passed April 16, 1883, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 16, 1896.

182L

[Senate Bill No. 208.]

AN ACT

To increase tax levy in the Holgate special school district, Henry county, Ohio.

WHEREAS, The the village of Holgate, Henry county, Ohio, is unable to make proper repairs of its school building in said district and is

also unable to obtain sufficient funds to pay the teachers thereof, and to furnish teachers' supplies and maintain its schools; now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Holgate special school district, in Henry county, Ohio, be and is hereby authorized to make a levy each and every year on all the taxable property in said special school district in addition to the levy now allowed by law the sum of five (5) mills on the dollar for tuition purposes, and further sum of two (2) mills on the dollar for contingent expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

183L

[Senate Bill No. 271.]

AN ACT

To authorize certain cities of the fourth grade, second class, to sell or lease natural gas plants, pipes, wells, works and real estate used in connection therewith, established and procured by authority of an act of the general assembly, passed March 14, 1889 (Volume 86, Laws of Ohio, page 103).

[URBANA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the fourth grade of the second class, in the state of Ohio, which under and by the provisions of an act of the general assembly, passed March 14, 1889 (volume 86, laws of Ohio, page 103), has procured territory, rights of way, sunk wells for natural gas, purchased wells and natural gas works, purchased and laid pipes, with all necessary fixtures, attachments and machinery, and has erected necessary buildings to supply such city and the citizens thereof with natural gas or gas manufactured from petroleum, for public and private use and consumption, shall have full power and authority to sell or lease all or any part of any property or rights it has acquired, whether situate in said city or elsewhere, and in accordance with the succeeding sections of this act.

SECTION 2. The council of any such city upon receipt of a proposition to buy or lease such property or rights or any part thereof to any person, firm or corporation, which in the judgment of said council is a fair and reasonable price therefor may by ordinance duly passed accept the terms of any such proposition, or may make terms for such sale or lease as may be for the interest of said city, and authorize and direct the trustees provided for in the act of February 19, 1892 (volume 89, laws of Ohio, page 42), to make conveyance or lease of any property and rights so sold or leased, and said trustees shall have full power to convey or lease any of said property and rights, including real estate, used in connection with said gas plant and works, and whether situate in said city or elsewhere, by proper conveyance executed by said trustees according to law. Provided that no such contract shall be binding upon any such

municipal corporation until the same shall have been ratified by a vote of the electors thereof, at a special election, held therefor, and upon ten days' notice of such election published in a newspaper of general circulation in said corporation.

SECTION 3. That said trustees may take in the name of said city mortgage upon said property and rights so sold, to secure any unpaid balance of the purchase money and may provide for the payment of any such balance in instalments as may be agreed upon between said council and any purchaser thereof.

SECTION 4. Said council shall have power to grant to any purchaser or lessee of all or any part of said property and rights, their successors and assigns, the right to maintain, operate or remove said gas plant and works, and to furnish natural gas or other fuel gas at such price and upon such terms and conditions as may be agreed upon between said council and such purchaser or lessee, their successors or assigns.

SECTION 5. All proceeds of any such sale, including interest, and all rentals from any lease shall be used for the payment of bonds and interest issued in accordance with the said act of March 14, 1889, and such proceeds shall be applied to that purpose in accordance with the provisions of said act.

SECTION 6. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

184L

[Senate Bill No. 337.]

AN ACT

To authorize the commissioners of Perry county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Perry county, Ohio, for the purpose of providing for the deficiency in the general expense fund and ditch fund in said county are hereby authorized to transfer ten thousand (\$10,000) dollars from the poor fund and seven thousand (\$7,000) dollars from the bridge fund to the general expense fund of said county, and four hundred and thirty-one dollars and eleven cents (\$431.11) from the treasurer's fee fund to the ditch fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

185L

[Senate Bill No. 341.]

AN ACT

To authorize an additional levy for school purposes in certain special school districts in any county having at the last federal census a population of not less than 21,900, nor more than 22,100.

[SPECIAL DISTRICTS IN OTTAWA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any special school district, containing an incorporated village, and which is located in any county having at the last federal census a population of not less than 21,900 nor more than 22,100 inhabitants, or which may hereafter have such, be and they are hereby authorized to levy, for the contingent fund of such district, a tax, in addition to other taxes authorized by law, not to exceed three mills on each dollar of valuation of taxable property in such special school district. Such levy may be made each year for five years next ensuing, and shall be collected as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 17, 1896.

186L

[House Bill No. 460.]

AN ACT

To authorize and require the county commissioners of Harrison county to purchase site or sites and premises already improved suitable for sheriff's house and jail, or either, [or unimproved and erect thereon a sheriff's house and jail, or either] and to issue bonds for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Harrison county, Ohio, be and they are hereby authorized to issue bonds for the purpose of either buying premises already improved and suitable for a sheriff's residence and jail, or either, or in event the same can not be done to their satisfaction, then to purchase or appropriate according to law a site or sites for the same, and to erect thereon, suitable building or buildings for such purpose or purposes, the amount of bonds to be issued not to exceed twelve thousand dollars (\$12,000) in all.

SECTION 2. Said bonds shall be of such denominations as the commissioners shall determine and shall run any length of time not exceeding ten years; shall bear interest not to exceed five per centum, payable semi-annually at the treasurer's office of said Harrison county, and said bonds shall be sold at not less than their par value including accrued interest.

SECTION 3. Said bonds shall be signed by said commissioners or any two of them and countersigned by the auditor of said county in order to be valid, and when sold, the money arising therefrom shall be

paid into the county treasury to the credit of the sheriff's residence and jail fund, and shall be expended so far as necessary for the payment of the principal and interest of the bonds issued for the purposes aforesaid; provided, that any funds now in the county treasury and applicable according to law for said purpose, or either, and to be paid into the said treasury under any levy already made for the purposes of a jail to be first applied to that purpose.

SECTION 4. Said commissioners are hereby authorized to levy a tax upon all the taxable property of said county for the purpose of paying said bonds issued by them under the provisions of this act together with the interest thereon.

SECTION 5. The time and manner of the sale of said bonds shall be determined by the commissioners in accordance with the law in respect to the sale of county bonds for public purposes.

SECTION 6. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHIEL W. JONES,
President of the Senate.
187L

Passed April 18, 1896.

[House Bill No. 600.]

AN ACT

To widen, grade, macadamize, gravel and improve the Vaughn road in Delhi township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county are hereby authorized to widen, not exceeding sixty feet, grade, macadamize, gravel and improve the Vaughn road in Delhi township, Hamilton county, Ohio, beginning at the intersection of the Vaughn road with the Glenway avenue turnpike, thence southwardly to the Delhi turnpike.

SECTION 2. To facilitate the construction of this improvement the commissioners shall appoint three competent freeholders of said county as trustees, to supervise and direct said improvement, who shall act without compensation. Said trustees shall take to their assistance the county engineer under their directions and control, in said work of said widening, and improvement, and shall survey and plainly mark out the lines of said widening and improvement, and obtain the right of way over any private property necessary for said widening, and improvement or a waiver of damages, by dedication or agreement with the owners thereof, subject to the approval of the said commissioners.

SECTION 3. If said trustees shall be unable to obtain the right of way over any of the private property necessary for said widening and improvement or a waiver of damages by dedication or agreement with the owners thereof, as above provided, they shall so report to the said commissioners, who shall immediately appoint three disinterested freeholders of the county as viewers, to view, determine and assess the compensation and damages for any property so appropriated for said widening and im-

provement, not obtained by said trustees as above provided. The commissioners shall forthwith notify the viewers and the surveyor above provided for, of the time and place of their meeting to make the view, and shall also give notice by publication in some newspaper published and of general circulation in said county, for three consecutive weeks, prior to said meeting, which notice shall state the time and place of the meeting, the place of beginning of said improvement and the route thereof and place of termination and the kind of improvement to be made.

SECTION 4. The viewers and surveyor shall meet at the time and place specified in the order of the commissioners and shall take an oath faithfully and impartially to discharge the duties of their appointments, respectively. The viewers shall proceed to assess damages and determine the compensation to be paid in money for the property so appropriated or damaged to widen said road, without deduction for benefit to any property of the owner, and to assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken will be rendered by the widening and improvement of said road, but they shall not be required to assess damages or compensation to any person, except minors, idiots or lunatics in consequence of the damage to or the appropriation of any private property in the widening of said road, and the making of said improvement, unless the owner thereof or his agent file a written application for the same with the viewers at or before said meeting, giving a description of the premises of which damages or compensation is claimed, and all applications for damages or compensation shall be barred unless they be presented as herein required, and said viewers shall report all compensation or damages so assessed and determined to the commissioners for approval who may approve same or appoint three other disinterested freeholders as viewers, to make the view anew and report as in the first instance. Any person feeling aggrieved by the assessment of compensation or damages so made, after it has been approved by the commissioners, may on notifying said commissioners of his intention so to do, within ten days after their said approval of said assessment, appeal to the probate court of said county, where said damages or compensation shall be assessed by a jury, and the same proceedings there had as in cases of appeals as to compensation and damages in road cases, as provided in chapter four, title 7, part 2 of the Revised Statutes of Ohio. And the guardian of any minor, idiot or insane person may act for his ward and all his acts shall be binding upon said ward.

SECTION 5. Said trustees may widen only a part of the road but shall establish the grade of said road, estimate the cost of improving the same by grading, macadamizing and graveling the roadway, constructing the necessary culverts, and report the same to said commissioners together with all expenses of any kind incurred in connection therewith.

SECTION 6. When said report of the trustees provided for in the preceding section is filed with the county commissioners they shall at once advertise for bids for ten consecutive days in the newspaper published and of general circulation in said county, for improving the Vaughn road, between the points named, by so grading, macadamizing, graveling and constructing the necessary culverts, and said commissioners shall award the contract to the lowest and best bidder.

SECTION 7. The construction of said improvement shall be made under the supervision of said trustees who shall report from time to time

to the commissioners for their approval, and all the proceedings of said trustees shall be subject to the approval of said county commissioners, who are hereby given exclusive and complete jurisdiction of the said widening and improvement provided for in this act, and said commissioners are authorized to contract for and commence the widening and improvement of said Vaughn road at any time after the passage of this act.

SECTION 8. For the purpose of raising money to defray the cost of any property purchased or condemned and the expense of improving said Vaughn road, the commissioners are hereby authorized to issue bonds of Hamilton county in a sum not exceeding fifty thousand dollars in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) each, bearing interest at the rate not to exceed four per centum per annum, payable semi-annually; said bonds to be negotiable, and payable within twenty (20) years from the date of issue, and to be signed by the county commissioners and countersigned by the auditor of said county, who shall keep a record of all said bonds. Said bonds shall be issued from time to time as may be required to meet the payments provided for under this act, provided that said bonds shall not be sold for less than the par value thereof, and that the proceeds shall be credited to a fund to be known as the "Vaughn road fund."

SECTION 9. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
188L

Passed April 18, 1896.

[House Bill No. 687.]

AN ACT

To authorize the trustees of Pleasant township, Van Wert county, Ohio, to improve certain public highways in said township, and provide means therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Pleasant township, Van Wert county, Ohio, are hereby authorized to improve the public highways in said township, outside of the corporate limits of the village of Van Wert, by grading, draining and graveling or macadamizing the same, making the macadamized or gravelled track not less than nine (9) nor more than sixteen (16) feet wide, and not less than eight (8) nor more than twelve (12) inches deep at the center, with proper slopes to the outer edges, and putting in all necessary and suitable culverts.

SECTION 2. Said trustees shall designate the order in which such highways, and the various parts of such highways, shall be so improved; shall cause surveys to be made and specifications to be prepared for such improvements, designating the material, or materials, to be used therein; which specifications shall be kept on file with the clerk of said township; and the contracts for the construction of said improvements shall be publicly let, in sections as determined by said trustees, from time to time, to the lowest and best bidder, who shall give bond to the satisfaction of said

trustees for the proper performance of such construction, within such time as shall be fixed therefor, and according to the specifications. Such lettings shall be after notice of the time and place thereof, given by publication for two consecutive weeks in some newspaper, or newspapers, of general circulation in said Van Wert county; and in such notice said trustees shall, in each instance, reserve the right to reject any and all bids. The contractors shall receive pay, on the order of said trustees, as their respective sections of the work are completed to the approval of the trustees, who shall personally inspect the same.

SECTION 3. Such highways, when so improved, shall be kept in repair by said trustees, out of the funds coming into the township treasury under section fourteen hundred and fifty-nine (1459) of the Revised Statutes of Ohio; and such highways, so improved, shall be free to public travel.

SECTION 4. For the purpose of improving such highways, under this act, the said trustees are authorized to issue and sell bonds of said township, bearing interest at a rate not exceeding six (6) per centum per annum, payable semi-annually, to an amount not exceeding, in the aggregate, seventy thousand dollars (\$70,000). Said bonds shall be signed by the trustees of said township, for the time being, and countersigned by the clerk of said township, for the time being; shall be in form, bear dates and mature, as shall be prescribed by said trustees; shall have coupons attached, evidencing the semi-annual interest payments, and signed by the clerk of said township, for the time being, whose signature may there be by fac simile; and shall be sold to the highest and best bidder at public auction, of the time and place of which, and the amount and description of the bonds to be offered at which, notice shall have been given by publication for at least two consecutive weeks, in some newspaper, or newspapers, of general circulation in said county; in which notice said trustees shall reserve the right to reject any and all bids. And the proceeds of all such bonds, so issued and sold, shall be expended in about the improvement of such highways, in accordance with the provisions of this act.

SECTION 5. For the purpose of paying the principal and interest of said bonds, said trustees are authorized to levy a tax on the taxable property in said township, outside of the corporate limits of the village aforesaid; and when said tax shall have been levied, and the improvement of said highways, in accordance with this act, shall have been commenced, the said taxable property of said township, outside of the corporate limits of said village, shall become, and be, exempt from any levy by the commissioners of said county, for the construction, maintenance or repair of roads; provided, however, that, should such improvement cease, or be abandoned, before the proceeds of the aggregate issue of said bonds, authorized under this act, shall have been expended therein, then, and thereupon, such exemption shall cease.

SECTION 6. Said trustees may appoint any suitable person, who may be one of their number, to oversee said work, and may pay him reasonable compensation for his services in that connection; may employ an engineer and necessary assistants and reasonably compensate them; and shall provide a book in which a complete record of the proceedings had under this act shall be kept by the clerk of the township, who shall receive for making the same ten cents per hundred words; and for all other services, necessary to be rendered under this act, the persons rendering

the same shall receive such reasonable compensation as shall be allowed by said trustees. And all such compensation paid under this section shall be out of the township road fund, by order of said trustees, upon itemized accounts of the services rendered, filed with the township clerk.

SECTION 7. Before any bonds are issued or tax levied, under the provisions of this act, the trustees of said township shall pass a resolution declaring it necessary to issue and sell the said bonds to an amount not exceeding, in the aggregate, the said sum of seventy thousand dollars (\$70,000), for the purpose of so improving said highways, and shall by such resolution, fix a date upon which the question of so improving such highways shall be submitted to the electors of said part of said township outside the corporate limits of said village; and shall cause a copy of such resolution to be certified to the deputy state supervisors of said county; and said deputy state supervisors shall, within ten (10) days thereafter, proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of said part of said township, at the time fixed in said resolution. Such election shall be held at the regular place of voting in such township, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as ordinary township elections. Fifteen (15) days' notice of the submission shall be given by publication in a newspaper, or newspapers, of general circulation in said township, once a week, for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election. Those who vote in favor of the proposition shall have written or printed on their ballots "For road improvement"; and those who vote against the same shall have written or printed on their ballots "Against road improvement"; and if a majority of the votes cast at such election upon such question be in favor thereof, then, and not otherwise, the bonds shall be issued, the tax levied, and said highways so improved.

SECTION 8. Whenever action is provided to be taken by said trustees, under this act, the concurring action of any two of them shall be sufficient.

SECTION 9. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
189L

Passed April 18, 1896.

[Senate Bill No. 141.]

AN ACT

Relating to the duties and compensation of certain county officers and their assistants in Miami county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in Miami county the compensation of the officers thereof specified in this section shall be by annual salary exclusively, except as otherwise provided in sections nine and twelve of this act, to be paid in monthly instalments as follows: the auditor and treasurer, two thousand five hun-

dred dollars each; probate judge, sheriff, and the clerk of court of common pleas, two thousand dollars each; the recorder, one thousand three hundred and fifty dollars; prosecuting attorney, twelve hundred dollars; infirmity directors, one hundred and fifty dollars each; and the coroner, two hundred dollars, and neither of them shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, [and] any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily as provided in the next section, shall also be by annual salary exclusively, to be paid in monthly instalments. And all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office, the commissioners shall have in view the number employed therein the year preceding the passage of this act, and also the increase or diminution, from time to time, of the labor to be performed in such office; and in determining the salaries thereof they shall allow to one deputy in the offices of clerk of court of common pleas, probate judge, and auditor, respectively, a salary of not more than seven hundred dollars nor less than six hundred dollars, but no other deputy, clerk or employe in either of said offices shall be allowed more than five hundred dollars; and in the offices of recorder, sheriff and treasurer, they shall allow the deputy a salary of not more than six hundred dollars nor less than five hundred dollars, but no other clerk or employe in the last mentioned offices shall be allowed more than four hundred dollars; provided, that the employment of clerks or other assistants temporarily, in addition to the regular employes, at a stipulated sum per day, may be authorized by the commissioners when they are satisfied that the business of any such office so requires.

SECTION 3. The commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers, and the compensation of each; and on the first business day of each month, each of said officers shall submit to the commissioners a pay roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the

month covered by the pay roll, and the capacity in which he was employed, and also the salaries of the officer and employe respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay roll a statement sworn to by the officer that the pay roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commissioners find upon examination that such pay roll is correct, they shall endorse thereon their approval thereof, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay roll on the right hand margin opposite their respective names, in a space headed "received from the county auditor a warrant for the amount shown hereon to be due me."

SECTION 4. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, or by the sheriff as special master commissioner or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections nine and twelve, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section seven, be paid by him to the county treasurer at the close of the business of the day, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amounts paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment; except in habeas corpus and divorce cases.

SECTION 5. Each officer mentioned in section one shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each: and each statement, after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

SECTION 6. All statements required by the preceding sections to

be filed with the commissioners shall be carefully preserved by them, and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 7. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances, and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section five the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 8. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and they may employ an expert accountant whenever and for such time they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

SECTION 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms, the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with.

SECTION 10. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances, or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances, and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected hereby.

SECTION 11. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 12. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for the period of one year, shall by such officer be transferred to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precept of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten per centum on all amounts so by him collected and no more, which shall be in addition to the salary fixed in section one herein, upon approval of the county commissioners.

SECTION 13. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein he shall be fined in any sum not more than five thousand dollars or be imprisoned in the penitentiary not less than one year nor more than five years or both; and if any deputy, clerk, or employe wilfully violate any provision in this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 14. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section one hereof a new and additional official bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 15. Any provision of statute in force when this act takes effect which conflicts with any provision of this act, shall to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 16. This act shall take effect August 1, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1896.

190L

[Senate Bill No. 207.]

AN ACT

To authorize the board of education of the city of Canton, Ohio, to issue bonds for the purpose of erecting and furnishing school buildings, purchasing sites therefor, and to levy a tax for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Canton, county of Stark, be and it is hereby authorized to borrow the sum of \$40,000, to be applied to the payment of the expense to be incurred in the erection and furnishing of school buildings in said city, and purchasing sites therefor.

SECTION 2. That for the purpose of meeting the expense aforesaid, the said board is authorized to issue bonds, to be signed by the president and attested by the clerk of said board, in denominations of not less than \$100 and not more than \$1,000, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding twenty-five years from the respective dates thereof, as said board may determine, which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission; and that said bonds may, in the discretion of said board, have interest coupons attached, and said bonds and interest coupon shall be made payable at the city of Canton, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
191L

Passed April 21, 1896.

[House Bill No. 24.]

AN ACT

To divide German township, Allen county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That German township, in the county of Allen, and the state of Ohio, be and the same is hereby divided into two election precincts, as follows: All that portion of said township included in and known as the Elida special school district to constitute one election precinct and to be known as the Elida precinct, and the remainder of said township lying outside of said special school district to constitute one election precinct, to be known as the East precinct, in said township and county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
192L

Passed April 21, 1896.

[House Bill No. 276.]

AN ACT

To repeal the act passed May 19, 1894 (Vol. 91, page 805), to authorize the trustees of Brown township, Miami county, Ohio, to remove a cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to authorize the trustees of Brown township, Miami county, Ohio, to remove a cemetery," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
193L

Passed April 21, 1896.

[House Bill No. 327.]

AN ACT

To confer on boards of education in special school districts in certain counties containing an unincorporated town or towns, power to compel the owners of real estate in town to construct or repair sidewalks along such real estate in the street or streets adjacent to their premises.

[OLD FORT SPECIAL DISTRICT, SRNECA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education in any special school district, in all counties which at the last federal census had, or which at any subsequent census may have a population of not more than 40,900 or less than 40,800, in the state of Ohio, in which there is situated an unincorporated town or towns, from and after the passage of this act, shall have power to compel the owner or owners of real estate situated within such unincorporated town or towns, to construct or repair sidewalks along such real estate in the street or streets along which such real estate is situated, in the manner hereafter described.

SECTION 2. Such boards of education as are referred to in section one (1) of this act shall, before the passage of the resolution mentioned in section three (3) hereof, prepare, or cause to be prepared, and adopt, and keep on file with the clerk of such board, for public inspection, general specifications for sidewalks within such unincorporated town, and sidewalks constructed within such town shall be constructed in conformity to such general specifications and the resolution referred to in section three (3) hereof, and, when repaired, shall be repaired so as to conform to such specifications as nearly as practicable. Such specifications shall describe the materials out of which sidewalks shall be constructed on each street or part of street within such town, and no other or different material shall be required for sidewalks within the limits fixed in such specifications.

SECTION 3. Whenever it is deemed by such board of education

necessary, and for the comfort and convenience of the children attending any of the public schools in such special school district, that any sidewalk within such unincorporated town or towns shall be constructed or repaired, it shall be deemed sufficient to effect such construction or repair, after the preparation and filing of the general specifications referred to in section two (2) of this act, that such board pass a resolution, by a majority vote of all the members composing such board, on roll call had for that purpose, declaring the necessity of such construction or repair; describing by a pertinent description, the real estate along which sidewalk shall be constructed or repaired; naming the street or streets along such real estate on which such construction or repair of such sidewalk shall be made; the time within which such sidewalk shall be constructed or repaired, which shall in all cases be twenty days for construction and ten days for repair after service of notice; naming the owner or owners of such real estate, if known, and specify the width of such sidewalk and the materials of which such sidewalk shall be composed, which materials may be wood, brick or stone, as may be determined by said board of education in each case in the resolution of such board referred to in this section. Such sidewalks shall be constructed or repaired in the manner, and of the materials, required by such resolution and the general sidewalk specifications adopted by said board.

SECTION 4. Whenever such resolution referred to in section three (3) hereof is adopted by such board of education, such board shall designate some officer or member of such board, or other person, to serve a copy of such resolution upon the owner or owners of such real estate, if such owner or owners, or any of them, reside within the county in which such unincorporated town is situated. The person so designated to serve such notices shall serve the same upon such owner or owners residing within such county, either by personal service, or by leaving a copy of such resolution at the usual place of residence of such owner or owners. The person so serving such notices shall make return thereof to the clerk of such board, within five days after service, by an affidavit made before some officer authorized to administer oaths in the state of Ohio, showing the time and manner of such service. Such return shall be filed with said clerk, and shall be deemed prima facie evidence of such service. The person so serving such notice shall be entitled to be compensated therefor at the rate at which constables in this state are compensated for serving summons in civil cases.

SECTION 5. Whenever the owner or owners, or any of the owners of any such real estate, are non-residents of the county in which such unincorporated town is situated, service shall be obtained upon such non-resident owner or owners, by publishing for two consecutive weeks in some newspaper published and of general circulation in the county in which such unincorporated town is situated, a summary statement of the contents of such resolution referred to in section three (3) hereof, and the date of its passage by such board, and it shall be the duty of the clerk of such board to cause such publication to be made. Proof of such publication shall be made by affidavit, and, when made as herein provided, service shall be deemed complete, and such proof of such publication shall be filed with the clerk of such board, as in the foregoing section provided for service of notices in other cases.

SECTION 6. Should any owner or owners of real estate within

such unincorporated town upon whom service of notice has been had as herein provided, fail, neglect or refuse to construct or repair such sidewalk in the manner and of the materials required in the general sidewalk specifications of such board, and in the resolution adopted by such board, within the time required in such resolution, such board is hereby authorized and required to cause such sidewalk or sidewalks to be constructed or repaired at the expense of such owner or owners, and the costs and expenses of such construction or repair, including the cost of obtaining service upon such owner or owners by publication or otherwise, shall be assessed upon the real estate along which such sidewalk or sidewalks have been constructed or repaired, by resolution adopted by a majority vote of all the members composing said board, upon roll call for that purpose had, and an aye and nay vote. Such assessment shall be payable by the owners of the property assessed, personally, by the time stipulated in the resolution referred to in this section, and shall be a lien upon the respective lot, lots and parcels of land assessed from the date of the passage of such resolution assessing said costs and expenses.

SECTION 7. If such assessments, or any of them, are not paid by the time specified in said resolution referred to in section five (5) hereof, the clerk of such board of education shall certify such unpaid assessment or assessments to the auditor of the county in which such real estate is situated, who shall place the same on the tax list against the property assessed, and the same shall be collected as other taxes, together with a penalty of fifteen (15) per cent., to pay the costs of collection.

SECTION 8. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
194L

Passed April 21, 1896.

[House Bill No. 359.]

AN ACT

To provide for the appointment of boards of directors of county agricultural societies in certain counties.

[BUTLER COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in counties having a city of the second class, third grade *b*, the boards of directors for the management of county agricultural societies, shall consist of ten members who shall be appointed by the judge of the probate court and the resident judge of the court of common pleas in said counties where said societies exist, and who shall be resident in the counties respectively in which they are to serve as such directors; not more than one of whom shall reside in any one township, except that two of said members may reside in the township wherein the county seat in any county is situated. The term of office of said directors shall be five years, except as provided hereinafter; provided that all present members of the board of directors of such agricultural societies shall

hold their offices until the expiration of the terms for which they were elected. The said judges of said probate and common pleas courts, within fifteen days after the passage of this act, shall meet and under their hands, and the seal of said courts, appoint directors to fill all vacancies in said board of directors, and thereafter, shall meet and in like manner appoint directors to fill all vacancies occurring in said boards of directors, and thereafter shall meet and in like manner appoint directors to fill all vacancies occurring in said boards by expiration of terms, resignation or otherwise. The said judges in making said appointments, shall fix and designate the terms of office of said appointees at such number of years, not exceeding five, as that the term of office of not less than two of the members of said board of directors shall expire each and every year. No person shall be eligible for appointment as a member of any such board of directors who shall not, during the year next preceding his appointment, have become a member of the agricultural society for which he shall be appointed, by paying his annual dues therein. Said boards of directors shall be bipartisan and said appointments shall be made from the members of the two leading political parties in said counties in such manner as to give each of said parties equal representation therein, as soon as the same can be done having regard to the political affiliation of the present members.

SECTION 2. Said board of directors within fifteen days after the filing of existing vacancies therein, shall meet at their respective county seats and organize by electing a president, who shall be a member of the board, and a secretary and treasurer, who shall be members of the society for which they are elected, and resident in the county in which it is situated, and thereafter said board of directors shall annually, on the second Saturday in January, meet and elect a president, secretary and treasurer, having the qualifications aforesaid. The terms of office of said officers shall be one year, and they shall hold their offices till their successors are elected, provided that said officers shall elect as aforesaid, shall hold their offices till the next annual election and until their successors are elected.

SECTION 3. Said board of directors shall, on or before the first day of January of each year, file with the auditor of the counties, in which their said societies are situated, itemized accounts in writing of their receipts and disbursements in detail during the next preceding year, under the signatures of the members of said board of directors, attested by their officers and which said reports shall be open to free inspection by the public.

SECTION 4. That the board of county commissioners in any such county where the agricultural society therein is in debt, be and are hereby authorized, and empowered to issue and sell at not less than par, the coupon bonds of said county, bearing not to exceed 5 per cent. interest per annum, and in amount not exceeding \$25,000, as they may find necessary, for the purpose of raising money to pay the said existing indebtedness of such agricultural society and in improving the real estate of such society, and to use the proceeds of said bonds for the purpose aforesaid, and for no other purpose; said bonds to be payable thirty years after their date, and for the purpose of providing money for the payment of the interest on said bonds and for the purpose of providing a sinking fund for the payment of the principal of said bonds such board of county

commissioners is authorized and directed to levy on the duplicate of said county, annually such sum as may be necessary in addition to the taxes now authorized by law, and any said sum of money so realized from the sale of said bonds, and so used as aforesaid for paying the debts and improving the real estate of any such society shall give to such county a lien on its real estate therefor, and shall give to such county all the rights and shall subject the board of directors of such society to such limitations and provisions of sections 3705 and 3708 of the Revised Statutes.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
195L

Passed April 21, 1896.

[House Bill No. 439.]

AN ACT

To enable the board of education of Tobasco special school district, Clermont county, Ohio, to add an addition to school building and lease same to J. B. Covert lodge, free and accepted Masons, No. 437.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Tobasco special school district, Union township, Clermont county, Ohio, be and it is hereby authorized and empowered to enter into a contract by way of lease for 99 years, renewable forever, with J. B. Covert lodge, free and accepted Masons, No. 437, to erect an additional story on the present school house of said district. Said additional story to be used as a Masonic lodge room, with the further privilege of erecting sheds on said school house lot, and laying out a roadway along north side of said lot from the public highway to said sheds so to be erected. Said additional story to be erected without damage of any kind or character to said school house as now constructed.

SECTION 2. This act shall be in force and take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
196L

Passed April 21, 1896.

[House Bill No. 543.]

AN ACT

To authorize the board of education of Stryker village school district, Williams county, Ohio, to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Stryker village school district, Williams county, Ohio, be and they are hereby authorized to levy annually

(in addition to that already allowed by law) a tax of not more than **seven** (7) mills on each dollar of the assessed value of the taxable property of said Stryker village school district for the support and maintenance of the public schools thereof; provided, however, that the same shall first be submitted to a vote of the qualified electors of the district.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

197L

[House Bill No. 556.]

AN ACT

To amend section 1 of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve public highways in the said townships."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve the public highways in said township," as amended May 9, 1894, be amended so as to read as follows:

SEC. 1. That the trustees of the several townships, to wit, German, Clinton, York, Chesterfield, and Dover in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding **four** (4) mills, in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving, by macadamizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said townships, and for no other purpose.

SECTION 2. Said original section one as amended May 9, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

198L

[House Bill No 575.]

AN ACT

To authorize the board of education of West Union village school district, of Adams county, to increase its tax levy ten mills for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of West Union village school district, of Adams county, is hereby authorized to increase for school purposes, its

tax levy upon all taxable property of said district to ten mills each year for such length of time as said board deem necessary, and use the funds arising therefrom to pay off the floating indebtedness of said district now existing.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
199L

Passed April 21, 1896.

[House Bill No. 585.]

AN ACT

To authorize the appointment of trustees for the electric light plant of the city of Bellefontaine, Logan county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor of the city of Bellefontaine, Logan county, Ohio, subject to the approval of the city council thereof, be and he is hereby authorized to appoint three electors thereof, who shall act as trustees of the electric light plant of said city, that such trustees and their successors shall have such powers and authority in the management thereof as the council of said city shall by ordinance provide.

SECTION 2. One of the said trustees shall be appointed to serve for one year, one for two years and one for three years and hereafter annually there shall be appointed by such mayor one trustee who shall serve for three years.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
200L

Passed April 21, 1896.

[House Bill No. 632.]

AN ACT

Regulating the control of Shawnee cemetery in Shawnee township, Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of township trustees of Shawnee township, Allen county, Ohio, in conformity with section 1466a of the Revised Statutes may appoint three directors, who shall be freeholders and not more than one of whom shall be of the same religious denomination nor more than two of the same political party, to take full charge and control of the burying ground known as the Shawnee cemetery in Shawnee township, in Allen county, Ohio.

•SECTION 2. The said directors in addition to the powers conferred upon them by section 1466a of the Revised Statutes shall have the same powers over said cemetery as are now conferred upon township trustees in section 1466 of the Revised Statutes and sections 1467 and 1468 of the Revised Statutes, as amended April 14, 1892 (Ohio laws, vol. 89, page 271), but nothing in this act shall be so construed as to release the said township trustees from keeping in good repair a suitable and substantial fence around said cemetery.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER.
President pro tem. of the Senate.

Passed April 21, 1896.

201L

[House Bill No. 643.]

AN ACT

To authorize villages situated in any county containing a city of the second grade of the first class to issue bonds for sewerage purposes.

[VILLAGES IN CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any village situated in a county containing a city of the second grade of the first class is hereby authorized to borrow money in such sums as the council may, from time to time, deem necessary, but not to exceed the sum of one hundred thousand dollars in the aggregate, for sewerage purposes, and to issue the bonds of such village for the money so borrowed, in such denomination, payable at such time, and at such rate of interest not exceeding five per cent. per annum, payable semi-annually, as the council may determine. The money to arise from the issue of bonds herein authorized shall be deemed in the treasury within the meaning of section 2702, Revised Statutes of Ohio.

SECTION 2. Any such village is hereby authorized to acquire by purchase, or to appropriate, enter upon and condemn real estate, either within or without such village, for the purpose of disposing of sewerage by filtration or otherwise as the council may deem proper, and for the erection of the necessary works for such purpose. The proceedings for such appropriation and the assessment of compensation for the land appropriated shall be governed by the provision of chapter 3, division 7, title 12 of the Revised Statutes. For the purpose of conveying sewerage from such village to the place provided for disposing of the same, any such village is hereby authorized to construct and maintain sewers through and under any public road, street or highway within the county, but not within any other municipal corporation.

SECTION 3. The proceeds of the bonds herein authorized shall be expended for the purpose of paying the cost and expenses of acquiring real estate and erecting sewerage disposal works and for the purpose of paying the village's portion of the cost and expense of constructing main sewers, or for either of such purposes, as the council may deem best.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 202L

Passed April 21, 1896.

[House Bill No. 654.]

AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to construct sidewalks on certain roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Columbia township be, and they are hereby authorized to construct sidewalks on both sides of the Cincinnati, Oakley and Madisonville avenue, from its intersection with the north corporation line of the city of Cincinnati, to the Brotherton road; on the west side of Edwards road, from Erie avenue to the Cincinnati, Oakley and Madisonville avenue; on the east side of Edwards road from the Cincinnati, Oakley and Madisonville avenue to Williams avenue; on the south side of Erie avenue from Paxton road to Edwards road; on both sides of Oakley avenue, from the Cincinnati, Oakley and Madisonville avenue to the Wasson road; on both sides of Huron avenue, from the Cincinnati, Oakley and Madisonville avenue, to the right of way of the Cincinnati, Portsmouth and Virginia railroad, and on both sides of Fairview avenue, from the Duck creek road to the corporation line of the city of Cincinnati, or upon any or all of the same, or part thereof, as said trustees may determine.

SECTION 2. Said trustees shall employ a competent engineer under whose direction the work shall be done, and who shall also prepare plans, specifications and estimates for the construction of said sidewalks, and shall award the contract to the lowest bidder, who shall furnish good and sufficient sureties for the faithful performance of said work. Said sidewalks shall be constructed of such material upon each street, as said trustees may determine. There shall be crossings on the intersecting streets, which shall be constructed of two rows of flag stones laid parallel with each other; ten days' notice shall be given by advertisement for proposals and the sale of bonds under this act, and like notice shall be given of the levying of the assessment. All notices required to be given herein shall be by publication twice in a newspaper of general circulation in the county.

SECTION 3. All costs and expenses of constructing the sidewalks on each road, or part thereof, together with the interest on any bonds issued by the trustees for the same, shall be levied and assessed upon each front foot of the lots and lands abutting on the side or part of such roads, where said sidewalk is laid, and shall be a lien from the date of the assessment upon the respective lots or parcels of land assessed. Said assessment shall be payable in six semi-annual payments, and the option of paying his portion of said assessment in full, within a period of twenty days from the date of the levying thereof, shall be given to each of the

property owners, and notice by publication to the owners of property of such option shall be given. The township treasurer shall, on or before the second Monday of September, annually, certify all unpaid assessments to the county auditor, and the same shall be collected by the county treasurer in the same manner as other taxes are collected, and when collected he shall pay the same to the township treasurer, and all moneys received by said township treasurer shall be applied to the payment of the bonds issued under this act, and for no other purpose; and for the purpose of enforcing said collection of the assessment so certified to him, the township treasurer shall have the same power and authority now allowed by law for the collection of state and county taxes. Provided that no improvement shall be made until there shall be filed with said trustees a petition requesting the improvement and signed by the owners of a majority of feet front of the property abutting on the avenue or part of the avenue where said sidewalks are to be constructed.

SECTION 4. For the purpose of raising the money necessary to meet the expense of the improvements, the trustees of Columbia township, are hereby authorized to issue the bonds of the township payable in instalments or at intervals not exceeding in all the period of four years, bearing interest at a rate not exceeding six per cent. per annum, which bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
208L

Passed April 21, 1896.

[House Bill No. 656.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds to pay for the property to be hereafter condemned and appropriated for street purposes.

[CINCINNATI]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of administration shall have the power to issue bonds in the name of such city and under the corporate seal thereof, in a sum not to exceed six thousand (\$6,000) dollars to provide a special fund to pay the costs and expenses of property to be hereafter condemned and appropriated to public use for the opening and extending of any road, street, avenue or highway, or any part thereof, in any such city. Said bonds shall be made payable not less than ten years nor more than twenty years from the date of their issue, bear interest not exceeding 4 per centum per annum, be signed by the president of such board of administration and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city, and by a tax which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which such city is situated, upon a certificate from such board of administration as to the amount necessary to pay the interest

thereon, and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses for property condemned and appropriated to public use for the opening and extending of any road or roads, street or streets, avenue or avenues, or highway or highways, or any part thereof which may be located in such city, the condemnation and appropriation of which shall have received the recommendation of the board of administration of such city; and the said fund shall only be paid out upon a resolution or resolutions passed by the board of administration of such city specially appropriating the same, and upon vouchers properly approved by said board of administration.

SECTION 4. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

204L

[House Bill No. 658.]

AN ACT

To authorize the commissioners of Lawrence county to levy an additional tax for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lawrence county be and they are hereby authorized to levy, for the years 1896, 1897, 1898, and 1899, in addition to the amount now authorized by law for county purposes, a tax not exceeding five-tenths of one mill (5-10) on the dollar of the valuation for taxation of the property of such county, for the purpose of paying a present deficiency and the interest accruing thereon, and may borrow money at not exceeding six per cent. interest, in anticipation of the fund arising from such levy.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

205L

[House Bill No. 664.]

AN ACT

To protect and improve the public park grounds belonging to the people of Medina county, situated in the incorporated village of Medina.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the county of Medina are hereby authorized to levy a tax in the year one thousand eight hundred and ninety-six, and in each and every year thereafter, not to exceed one-twentieth of one mill on the dollar in any one year, for the purpose of and to be expended in protecting and improving the public park grounds belonging to the people of Medina county, and situated in the incorporated village of Medina, in said county.

SECTION 2. Said levy, when made and collected as provided in section one, shall be expended under the direction of the county commissioners of said county.

SECTION 3. Said levy as provided in section one, when collected and received in the county treasury, shall be paid out by the county treasurer of said county, for the purposes designated in section one of this act, upon the order of the county auditor of said county, upon the commissioners of said county of Medina certifying to said auditor, in writing, duly signed, that said money so levied and collected has been expended in accordance with the provisions of said sections one and two of this act.

SECTION 4. The commissioners of said county, shall, immediately after the collection of said levy, proceed and make such improvements as a majority of said commissioners shall determine upon.

SECTION 5. The act passed April 13, 1880 (O. L. 77, p. 587) is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO C. HUTSINPILLER,
President pro tem. of the Senate.
206L

Passed April 21, 1896.

[House Bill No. 665.]

AN ACT

To provide for the care and control of the Bellefontaine road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Montgomery county are hereby authorized to create all portions of the Bellefontaine road in Wayne township, Montgomery county, Ohio, from the southern boundary line of Miami county on the north to the south boundary line of the said Wayne township on the south, into a separate road district, and are also hereby authorized to make an appropriation for keeping said road in repair, provided that no part of said appropriation be made from taxes collected on property within the corporate limits of the city of Dayton.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 207L

Passed April 21, 1896.

[House Bill No. 683.]

AN ACT

To authorize the county commissioners of Summit county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Summit county be and they are hereby authorized to transfer the following funds: Thirteen thousand (\$13,000) dollars to the poor fund from the sinking fund; \$7,195.22 to the bridge fund from the sinking fund; \$3,000 from the sinking fund to county fund; and \$7,000 from the building fund to the county fund.

SECTION 2. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 208L

Passed April 21, 1896.

[House Bill No. 737.]

AN ACT

To change the name of Shanghai precinct in Knox township, Jefferson county, Ohio, to Empire precinct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the election precinct in Knox township, Jefferson county, Ohio, now known as Shanghai precinct shall hereafter be known as Empire precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 209L

Passed April 21, 1896.

[House Bill No. 743.]

AN ACT

To authorize the city of Toledo, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Toledo, Ohio, is hereby authorized to transfer any sum not exceeding eight thousand dollars (\$8,000) from the market fund, and not exceeding five thousand dollars (\$5,000) from the dredging fund to the general fund; and the sum of twenty-four hundred and thirty-three dollars and nineteen cents (\$2,433.19) from the police patrol barn fund to the police fund and the sum of six thousand dollars (\$6,000) from the bridge fund number two to bridge fund number three.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

210L

[House Bill No. 797.]

AN ACT

To amend sections 2 and 3 of an act entitled "An act to establish a court of insolvency in counties containing a city of the first grade, of the first class, and for the relief of the probate court of such counties," passed May 21, A. D. 1894.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2 and 3 of an act entitled "An act to establish a court of insolvency in counties containing a city of the first grade, of the first class, and for the relief of the probate court of such counties," passed May 21, A. D. 1894, be amended so as to read as follows:

SEC. 2. The first election for such judge shall be held on the first Tuesday after the second Monday in November, A. D. 1894, and shall be conducted in the same manner and governed by the same laws that are now in force or may hereinafter be enacted regulating the election of judges in this state. His term of office shall commence on the ninth day of February, A. D. 1895, and shall continue for the term of five years, and a successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1899, and every five years thereafter. And in case the office of any judge shall become vacant before the expiration of the regular term for which he shall have been elected, the vacancy shall be filled by appointment of the governor until the office shall be filled by a successor duly elected and qualified. And in case a successor shall not have been previously elected, such successor shall be elected on the first Tuesday after the first Monday in November that next occurs more than thirty days after the vacancy shall have happened.

SEC. 3. That said judge when elected shall give a like bond and be qualified and shall receive the same compensation as the judge of

the probate court of said county wherein such courts of insolvency are established, and shall be paid out of the county treasury on the warrant of the county auditor, in quarterly instalments. The bond of said judge shall be in the sum of five thousand dollars, and shall be approved by the commissioners of said county, and deposited with the county treasurer thereof.

SECTION 2. That sections 2 and 3 of an act entitled "An act to establish a court of insolvency in counties containing a city of the first grade, of the first class, and for the relief of the probate court of such counties," passed May 21, A. D. 1894, be, and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

211L

[House Bill No. 814.]

AN ACT

To authorize the township trustees of Eden township, Licking county, to make a special levy for a certain purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Eden township, Licking county, Ohio, be authorized to make a special levy of three mills on the taxable property of said township to provide funds for the payment of a township house already erected and occupied.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

212L

[House Bill No. 839.]

AN ACT

To amend sections six and twenty-one of an act of April 5, 1893, entitled "An act [to provide a board of park commissioners and] to provide for the acquisition of grounds for parks, park entrances and park driveways, and for the improvement, management and control of parks, park entrances and park driveways, in cities of the second grade of the first class." (90, Ohio Local Laws, 100).

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6 and 21 of an act passed April 5, 1893, entitled "An act to provide a board of park commissioners and to provide for the acquisition of grounds for parks, park entrances and park driveways, and for the improvement, management and control of parks, park entrances

and park driveways in cities of the second grade of first class," be amended so as to read as follows:

SEC. 6. Said board of park commissioners may employ such superintendents, engineers, landscape gardeners, laborers and other employes as it may deem necessary to perform and accomplish the purposes of this act. They shall fix the salaries and compensations of such employes. Said board shall establish a park police force consisting of such number of persons as the board may deem necessary, except that the captain of such park police force shall be appointed by the superintendent of parks, and such captain of police shall be discharged or suspended only for good and sufficient cause and upon the approval of such superintendent. The salary of such captain of police shall not exceed the sum of \$1,800 per annum. Said board shall have power to uniform such police force in the manner as they may direct, and empower such force to preserve the peace and enforce such rules and regulations and ordinances as the board or city council may enact, and is hereby authorized to adopt for the government of said parks.

SEC. 21. After the lapse of seven years from the passage of the original act, during which time this act shall be in full force and effect, all the powers heretofore conferred upon the board of park commissioners shall cease and the same shall thereupon vest in the director of public works of said cities; provided that the person named by the director of public works as superintendent of parks under section 38 of "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, shall remain in office and perform the duties thereof only during the life of said board of commissioners.

SECTION 2. That said original sections 6 and 21 be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
213L

Passed April 21, 1896.

[House Bill No. 858.]

AN ACT

To provide for the care and control of the South Arlington road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Montgomery county are hereby authorized to create all portions of the South Arlington road in Clay township, Montgomery county, Ohio, from the southern boundary line of said township north and northwest to its intersection with the line dividing sections thirty-three and thirty-four of said township, and thence north to the Baltimore and Phillipsburg road, into a separate and distinct road district, and are also hereby authorized to make an appropriation for keeping said road in repair, provided that no part of said appropriation be made from taxes collected on property within the corporate limits of the city of Dayton.

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

214L

[House Bill No. 877.]

AN ACT

Authorizing the trustees of McArthur township, Logan county, Ohio, to take charge of the cemetery known as West Geneva cemetery, situated in McArthur township, Logan county, Ohio.

WHEREAS, The burying ground known as West Geneva cemetery situated in McArthur township, Logan county, Ohio, has been abandoned; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of McArthur township, Logan county, Ohio, are hereby authorized to take charge of said West Geneva cemetery, and to keep same in repair; and the trustees of said township shall levy a tax in that behalf if necessary, not to exceed in any one year more than one-fourth of one mill on the taxable property in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

215L

[House Bill No. 660.]

AN ACT

Authorizing the commissioners of Madison county to construct a children's home

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Madison county are hereby authorized to construct a children's home at such point in the county, as, in their judgment, may be deemed most for the public good, and the plans and specifications for the same shall be determined upon and the contract or contracts therefor let according to law within one year after the passage of this act, which contract or contracts shall require the said building to be completed as soon as practicable.

SECTION 2. That the commissioners of said county are hereby authorized to purchase the necessary real estate for said children's home; provided that the whole cost of said children's home, and the purchase of real estate therefor shall not exceed the sum of twenty-five thousand dollars.

SECTION 3. That when, in the opinion of said commissioners, it is necessary to purchase any such real estate for the children's home, and they and the owners are unable to agree upon its purchase and sale, the said commissioners are hereby authorized to appropriate such real estate according to law in such case.

SECTION 4. That the commissioners of said county, for the purpose of building the said children's home and purchasing the necessary real estate therefor, are hereby authorized to borrow such sum or sums of money as they shall deem necessary, not to exceed twenty-five thousand dollars at a rate of interest not to exceed six per cent. per annum, and issue bonds of said county to secure the payment of the principal and interest thereon; such interest shall be paid semi-annually, and principal shall be paid at such time as the commissioners shall prescribe, within fifteen years from the date of such indebtedness; said bonds to be sold for not less than their par value.

SECTION 5. That the bonds shall be signed by the commissioners, or any two of them, and countersigned by the county auditor, in sums of not less than one hundred and not more than one thousand dollars each, payable to bearer at the county treasury, with interest as aforesaid, at such time not exceeding twenty years after date, as the commissioners may prescribe, and such bonds shall specify distinctly the object for which they are issued.

SECTION 6. That for the purpose of paying said bonds and the interest thereon as the same shall become due, said commissioners are hereby authorized to levy a tax annually on all taxable property of said county in addition to the taxes now authorized by law, which levy shall be placed upon the tax duplicate by the auditor and collected as other taxes.

SECTION 7. Any money arising from the sale of said bonds that shall not have been expended for said purposes by the first day of September, 1897, shall be transferred to the "children's home fund" of said county.

SECTION 8. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 21, 1896.

216L

[Senate Bill No. 240.]

AN ACT

Supplementary to sections 4000, 4001, 4002 of the Revised Statutes of Ohio, and for the purpose of increasing the powers and duties of the public library board of the city of Cleveland, as now constituted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said library board, in its own name shall hold the title to and have the custody, management and control of all property of said library board, both real and personal, whether acquired heretofore, or hereafter, and shall have power over, and the executive control of the expenditures of moneys collected for the purpose of purchasing lands, and erecting

buildings and also have complete custody, management and control of all public libraries and branches and stations thereof, and the reading-rooms connected therewith.

SECTION 2. Said library board shall have power, by a two-third vote of its members entered upon its journal, to purchase grounds and erect suitable library buildings, and to lease grounds and suitable library buildings, and in case suitable grounds cannot be purchased, to condemn the grounds desired, by virtue of the power of eminent domain, and erect thereon suitable and appropriate buildings for library use. The title to such grounds so purchased or condemned and buildings erected shall be taken to and vest in the said library board.

SECTION 3. When it is deemed necessary by said library [board] to condemn or appropriate private property, whereon to erect library buildings, said library board in making such appropriation shall proceed in accordance with the provisions of section 2235 and subsequent sections found in chapter 3, division 7, title 12 of the Revised Statutes of Ohio and acts amendatory thereof and supplementary thereto.

SECTION 4. Said board may by resolution accept any gift, devise or bequest of property, real and personal, for the benefit of the library.

SECTION 5. All property, real or personal, vested in any public library board shall be exempt from taxation and from sale on execution or other writ or order in the nature of an execution. All conveyances made by such library board shall be executed by the president and secretary thereof.

SECTION 6. Each person appointed a member of such board shall, upon entering upon the duties of his office, take an oath, or affirmation, to obey the constitution of the United States and the constitution of the state of Ohio, and that he will faithfully perform the duties of his office.

SECTION 7. Said library board at its first meeting in June after the passage of this bill, and annually thereafter in June, shall organize by choosing a president, a vice president and a secretary, and in the absence of the president or his inability to act, the vice president shall perform the duties of the president.

SECTION 8. Said library board shall make an annual report to the board of education stating the condition of their trust, the various sums of money received from the library fund and from other sources and how much moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gifts or otherwise during the year; the number lost or missing; the number of books loaned out and the general character of the books, with other statistics, information and suggestions as they may deem of general interest.

SECTION 9. No member of such library board shall have any pecuniary interest, either directly or indirectly, in any contract made with the board or be employed in any manner or have any compensation from the board of which he is a member, except as secretary, and no contract shall be binding upon such board unless it be made or authorized to be made at a regular or special meeting of the board.

SECTION 10. Every library and reading-room established under this act shall be free to the use of the inhabitants of such city and those who reside in the territory thereto attached for school purposes, subject,

however, to such rules and regulations as the library board may deem necessary to adopt and publish, to protect and preserve property therein in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said library board may exclude and cut off from the use of said library and reading-room any and all persons who shall wilfully violate any of such rules and regulations.

SECTION 11. Said library board may issue bonds with interest coupons attached, to obtain land and building for a public library and to furnish the same and to pay the cost and expense thereof, and in anticipation of income from taxes for such purposes levied or to be levied, may from time to time, as occasion requires, or at any time after the passage of this bill, issue and sell bonds, bearing interest, payable semi-annually, at a rate specified therein, not exceeding five per cent. (5%) per annum, and in such sums and at such times as the library board may determine, which bonds shall be numbered consecutively, made payable to the bearer and be signed by the president and secretary of the board and denominated "public library bonds of the city of Cleveland, Ohio," and the secretary of said board shall keep a record of the number, date, amount and rate of interest on each bond sold, the sum for which and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times, and the bonds so issued shall in no case be sold for a less sum than the par value nor bear interest until the purchase money for the same shall have been paid by the purchaser and such library board shall pay such bonds and the interest thereon when due, provided that the total issue of bonds shall not exceed two hundred and fifty thousand dollars (\$250,000).

SECTION 12. The order to issue such bonds shall be made only at a regular meeting of such board and by a vote of five-sevenths of all the members thereof, taken by yeas and nays and entered on the journal of the board, and such bonds shall be sold to the highest bidder after being advertised once a week for four (4) consecutive weeks in a newspaper having a general circulation in the county where such bonds are issued, and if there shall be more than one newspaper in such city having a general circulation in the county where such bonds are issued, then the sale of such bonds shall be advertised in at least one additional newspaper of such general circulation in such county, the advertisement shall state the total number of bonds to be sold, the amount of each, how long they are to run, the rate of interest to be paid thereon, whether annually or semi-annually, the law or section of law authorizing their issue, day, hour and place in the county where they are to be sold, and the privilege shall be reserved by such board to reject all or any bids, and if said bids are rejected said bonds shall be advertised and the moneys arising on premiums of the sale of said bonds as well as the principal shall be credited to said fund on account of which the bonds are issued and sold and shall be used for the purpose provided in this section.

SECTION 13. For the purpose of creating a sinking fund for the extinguishment of the bonds provided for in the preceding section, said library board may annually until the payments of the bonds are fully provided for, levy and collect a tax in addition to other taxes now authorized to be levied by it, which shall not exceed two-tenths of one mill upon the taxable property of the city of Cleveland and the territory thereto attached for school purposes, which tax shall be paid into the treasury

of said city and on order of the director of accounts of said city paid over to the sinking fund commission hereafter provided for and by them applied, by order of the library board to the extinguishment of the bonds in the preceding section provided and to no other purpose whatever, and the taxes so levied shall be certified and placed on the tax list and collected in the same manner as school taxes of said city and such tax shall be a lien upon the property whereon they are assessed and the same as state and county taxes and subject to the same penalties if delinquent.

SECTION 14. In such city there shall be a board designated as "the trustees of the library sinking fund of the city of Cleveland" composed of three (3) citizens thereof, to be appointed by the court of common pleas in the county in which such city is situated. The first appointment shall be one for the term of one year, one for the term of two years, and one for the term of three years and all trustees appointed thereafter shall serve for three years, except in case of vacancy, which shall be filled by said court for the unexpired term, and before any person appointed as a member of such board shall assume the duties of his office he shall give bond to the state of Ohio in the sum of five thousand dollars (\$5,000) with not less than two sureties to faithfully discharge his said duties.

SECTION 15. Such trustees immediately after appointment and qualification shall organize by appointing one of their number as president and the director of accounts of such city shall act as secretary of said board of trustees and the library board shall provide such trustees with a place of meeting, and regular meetings of such trustees shall be held on the second Monday of January and July of each year, but other meetings may be called by the president or any member of the board. Their proceedings shall be recorded in a journal kept for that purpose which shall at all times be open to the inspection of the library board or any member thereof and all questions relating to the purchase or sale of securities, payment of bonds or interest shall be decided by a viva voce vote with the name of each member voting recorded on the journal and no question shall be decided unless approved by a majority of the whole board.

SECTION 16. The trustees of such sinking fund shall in the month of May in each year and oftener, if required, certify to the library board the rate of tax, not exceeding the limit herein provided, necessary to provide a sinking fund for the payment of the bonds issued by authority of this bill together with the amount necessary to be levied to provide for the payment of the interest thereon, and the library board shall levy the amount so certified as under this act provided and for the full amount so certified, but said library board may increase the amount so reported, provided the total amount so levied does not exceed the limitation provided in this bill.

SECTION 17. The trustees of such sinking fund shall invest all moneys received by them in bonds of the United States, state of Ohio, city of Cleveland, city of Cincinnati, city of Columbus, and the city of Toledo and they shall give preference to the bonds of the city of Cleveland, where they can be purchased at a price equal to, or, less than the bonds of the United States, or of the state of Ohio, taking into consideration the rate of interest paid on each, and the interest received shall be reinvested in like manner and at no time shall there be more than \$5,000 kept on deposit if investment can be made, and said trustees shall provide for the payment

of all interest on said bonds herein authorized to be issued, together with the principal thereof at maturity of said bonds, from said funds so invested by them.

SECTION 18. The provisions of law in force when this bill takes effect which are inconsistent with any provisions of this bill shall be held to be superseded by the latter as to the matter of inconsistency and not otherwise.

SECTION 19. This bill shall take effect and be enforced from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

217L

[Senate Bill No. 241.]

AN ACT

To amend sections 3 and 7 of an act entitled "An act to create a depository commission in all cities of the second grade of the first class, and to establish a depository for the funds of such cities, and for other purposes," passed April 11th, 1888, as respectively amended May 16th, 1894 (91, O. L., 268), and April 7th, 1892 (89, O. L., 225).

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3 and 7 of an act entitled "An act to create a depository commission in all cities of the second grade of the first class, and to establish a depository for the funds of such cities, and for other purposes," passed April 11, 1888, as respectively amended May 16, 1894, and April 7, 1892, be so amended as to read as follows:

SEC. 3. That upon the first and second Mondays in October, 1897, such commission shall publish in one daily newspaper, printed and of general circulation in the city and school district a notice which shall invite sealed proposals from all banks, coming within the provisions of section one, which proposals shall stipulate the rate of interest they will pay respectively for the use of one-third of the money aforesaid from the first day of July, 1898, to and including the thirtieth day of June, 1901, and upon the first and second Mondays in January, 1901, and every three years thereafter such commission shall in like manner publish a like notice which shall stipulate the rate of interest payable for three years from and including the first day of July next succeeding such publication, and each proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same, in case its proposal be accepted. Such publication, and all other publications for such proposals, shall be at the joint expense of the city and school district, and all depositaries under the acts mentioned in the first section hereof may continue to act as such until June 30, 1898, upon furnishing new undertakings as required by section 5 of said original act, as amended May 16, 1894.

SEC. 7. The bank to which an award is made shall, upon the ac-

ceptance of such undertakings by the commission, become the depositary of the money aforesaid, for the period fixed by section three of this act and until the undertakings of its successor are accepted by the commission; but the commission may require additional security from the bank at any time it deems the same necessary in such sum as it shall designate; and if the bank refuse or neglect for the period of five days thereafter to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission, and another bank designated to be the depositary thereof temporarily, at such rate of interest or without interest, as the commission may determine. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of the proceedings of the commission; and a copy thereof, duly certified as such by the president and secretary of the commission, shall be transmitted to the city auditor and a like copy to the auditor of the board of education of the school district, and thereupon the city auditor shall issue his warrant for the withdrawal of [the] money of the city from the depositary, and the auditor of the board of education shall issue a warrant for such withdrawal of the money of the school district, and thereupon the city treasurer as such, and as ex-officio treasurer of the school funds, shall issue checks accordingly for the removal. If the money, in case of such removal, be deposited in a bank designated as a depositary temporarily, such bank shall before the receipt by it, of any of the money, enter into undertakings as required by the preceding section, but if no bank be so designated the money shall be disposed of as provided in section nine.

SECTION 2. That said original sections 3 and 7, as respectively amended on May 16, 1894, and April 7, 1892, be repealed, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1896.

218L

[Senate Bill No. 252.]

AN ACT

To amend section 72 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891 (O. L. 88, p. 105).

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 72 of an act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed March 16, 1891, be so amended as to read as follows:

SEC. 72. All paved streets shall be cleaned by the city or by contract and the city council shall make suitable provisions by ordinance for such work to be done in either manner under the direction of the board of control and the director of public works.

SECTION 2. That original section 72, of which this act is amenda-

tory, is hereby repealed and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 219L

Passed April 22, 1896.

[Senate Bill No. 316.]

AN ACT

To provide for the issue of bonds to repair, improve and build additions to houses of refuge in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class the boards of directors of houses of refuge of such cities shall have power to expend upon repairing, improving and building additions to the houses of refuge in such cities a sum not to exceed forty thousand dollars (\$40,000).

SECTION 2. It shall be the duty of the mayor and auditor of such cities, from time to time, and as often as said boards of directors of houses of refuge shall certify the same to be necessary, to issue and sell the bonds of such cities in an amount necessary to make the repairs, improvements and additions provided for herein, not exceeding in the aggregate the sum of forty thousand dollars (\$40,000). Said bonds shall be signed by said city officers, and shall be made payable in thirty years from date of issue, and shall bear interest at a rate not to exceed four per cent. per annum, payable semi-annually, and when sold the proceeds shall be placed in the city treasury, subject to the order of said boards of directors of houses of refuge for the purposes aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 220L

Passed April 22, 1896.

[Senate Bill No. 324.]

AN ACT

To authorize the commissioners of Franklin county to construct a certain bridge and the approaches thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Franklin county, Ohio, be and they are hereby authorized to build a bridge over and across the railroad tracks at the intersection of the Johnstown road with the tracks of the Pittsburg, Cincinnati, Chicago and St. Louis railway company and the Baltimore and Ohio railroad company in said county together with the necessary and proper approaches thereto; provided, that in the

exercise of their powers and the performance of their duties in that behalf said board of county commissioners shall be governed by the general statutes on that subject except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expenses of constructing such bridge together with the approaches thereto said commissioners are hereby authorized and empowered to issue and sell bonds of said Franklin county, Ohio, according to law, in sums of not less than one thousand dollars each, bearing interest at the rate of six per cent. per annum payable semi-annually, and not to exceed in the aggregate the sum of fifteen thousand dollars; and said commissioners are further authorized and empowered to levy a tax upon all the property upon the duplicate of said county to pay said bonds as they mature and the interest thereon at such rate and for such length of time as may be necessary for the purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 22, 1896.

221L

[Senate Bill No. 351.]

AN ACT

Relating to the duties and compensation of certain county officers in Pickaway county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in Pickaway county the compensation of the probate judge, county auditor and county treasurer, hereafter elected, shall be by annual salary exclusively, except as otherwise provided in this section, to be paid in monthly instalments, as follows: Probate judge, twenty-six hundred dollars (\$2,600); the auditor, twenty-nine hundred dollars (\$2,900); the treasurer, twenty-eight hundred dollars (\$2,800); and neither of them shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, except that the probate judge shall be entitled to receive the fee now allowed by law for issuing a marriage license and filing and recording the certificate of marriage; and the auditor shall be entitled to receive the fees authorized by law for transfers of real estate. Nor shall either of said officers receive a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, shall, when collected, be for the sole use of the county, except as otherwise provided, in this act, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section seven, be paid by him to the county treasurer at the close of the business of the day, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amount paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment.

SECTION 3. Each officer mentioned in section one shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement, after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

SECTION 4. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them, and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances, and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section five the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 6. It shall be the duty of the county commissioners to

see that the provisions of this act are faithfully complied with and they may employ an expert accountant whenever and for such time they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances, or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances, and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected hereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for the period of one year, shall by such officer be transferred to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precept of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten per centum on all amounts so by him collected.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provisions thereof or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein he shall be fined in any sum not more than five thousand dollars or be imprisoned in the penitentiary not less than one year nor more than five years or both; and if any deputy, clerk, or employee wilfully violate any provision in this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall

be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section one hereof a new and additional official bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 12. Any provision of statute in force when this act takes effect which conflicts with any provision of this act, shall to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to officers described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

222L

Passed April 22, 1896.

[Senate Bill No. 357.]

AN ACT

To amend an act entitled "An act for the relief of the sureties of George W. Brown, treasurer of Springfield township, Muskingum county, Ohio, passed March 30, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act, passed March 30, 1896, be amended as to read as follows:

SEC. 1. That the board of township trustees of said Springfield township, Muskingum county, Ohio, are hereby authorized, directed and required to submit the question of the relief of the sureties of George W. Brown, to the qualified voters of said township of Springfield, at the annual state election to be held in November, A. D. 1896. Those favoring the release of said sureties shall have printed or written on their ballots the words "Release of sureties—Yes" and those opposed "Release of sureties—No," and if a majority of those voting at said election favor said release, then said sureties shall thereupon be released from all liability upon said bonds.

SECTION 2. That section one of the act entitled "An act for the relief of the sureties of George W. Brown, treasurer of Springfield township, Muskingum county, Ohio, passed March 30, A. D. 1896, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
223L

Passed April 22, 1896.

[Senate Bill No. 387.]

AN ACT

To authorize the city council of Mount Vernon, Know county, Ohio, to issue bonds for waterworks improvement, extension and protection.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Mt. Vernon, Ohio, be and hereby is authorized and empowered to issue and sell bonds of said city in an amount not to exceed fifteen thousand dollars (\$15,000) for the purpose of purchasing additional ground and extending and improving the water works system of said city and protecting the water supply thereof; said bonds to be issued in such denominations, not exceeding one thousand dollars (\$1,000) each, as said city council may determine; to be signed by the mayor and countersigned by the clerk of said city; to be sold at not less than their par value; to bear interest at a rate not to exceed six per cent (6%) per annum, payable semi-annually; and to be payable at such places and times, not to exceed twenty (20) years from their date, as said council may determine, and to be made, issued and disposed of in all respects as provided by law.

SECTION 2. For the purpose of paying said bonds and the interest thereon the said city council of the city of Mt. Vernon, Ohio, is hereby authorized and empowered to annually levy on the taxable property of said city such sum as will be necessary to pay the principal and interest of said bonds according to their purport. Such tax so levied may be in excess of the maximum now allowed by law.

SECTION 3. Said bonds shall not be issued nor said levy made by said city council until the proposition shall have been first submitted to a vote of the qualified electors of said city under an ordinance prescribing the time, place and manner of voting on the same, which may be at a general or special election in said corporation and at the time and place or places which said council may by such ordinance designate. All voters desiring to vote in favor of issuing said bonds and making said levy shall have written or printed on their ballots the words, "Issue of waterworks bonds—Yes," and all voters desiring to vote against such issue shall have written or printed on their ballots the words, "Issue of waterworks bonds—No"; and if a majority of said votes cast on said proposition at such election be in favor of the issue of such bonds, then the city may proceed as authorized by this act and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,
Speaker pro'tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 224L

Passed April 22, 1896.

[House Bill No. 780.]

AN ACT

Fixing the compensation of county officers in counties containing a city of the second grade of the first class.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in each county containing a city of the second grade of the first class the compensation of the officers thereof shall be as follows: Clerk of the court of common pleas, an annual salary of four thousand dollars, then ten per centum of all fees actually collected by him; sheriff, an annual salary of four thousand dollars and ten per centum of all fees actually collected by him; treasurer, an annual salary of seven thousand dollars; auditor, an annual salary of five thousand dollars; recorder, an annual salary of four thousand five hundred dollars; probate judge, an annual salary of five thousand dollars; coroner, an annual salary of two thousand five hundred dollars; judge of the court of insolvency, an annual salary of two thousand five hundred dollars, which sums shall be paid to them monthly out of the fee fund of the county hereinafter provided for, upon the warrant of the county auditor; it being the intent and meaning of this section to limit the maximum compensation, from every source, of the officers named, to the sums hereinbefore specified.

SECTION 2. The fees, costs, percentages, penalties, allowances, and all other perquisites of whatever kind, which, by law, the clerk of the court of common pleas, sheriff, treasurer, auditor, recorder, probate judge, judge of insolvency, and coroner, in counties containing a city of the second grade of the first class, may receive and collect for any services rendered, shall be received and collected by said officers, respectively, for the sole use of the treasury of said county, as public moneys belonging to it, and shall be accounted for and paid over as such, in the manner hereinafter provided.

SECTION 3. Each of the several officers named in the preceding sections shall submit to the county commissioners, monthly, during each year of their official term, a certificate and sworn statement in detail of all the costs, fees, percentages, penalties, allowances and other perquisites of every kind charged in his office, whether taxed in any cause, matter or proceeding, or otherwise, or received by him for services rendered during the month next preceding the time of making such statement.

SECTION 4. The judges of the court of common pleas, in joint session, shall, from time to time, upon request of either the clerk of the court of common pleas, sheriff, treasurer, auditor, recorder, probate judge, judge of insolvency, or coroner, fix an aggregate sum to be expended

yearly for the compensation of all deputies, book-keepers, clerks, and other assistants of the county officer making such request. The officers herein named shall appoint their deputies, clerks, book-keepers, and all other assistants necessary, and no more; and fix their compensation, but such compensation shall not exceed in the aggregate the amount fixed by the judges in joint session, as herein provided, but no clerk or deputy of any of the above named officers shall receive a salary to exceed two thousand five hundred dollars per annum. The compensation of such officers, deputies, clerks, book-keepers, and other assistants, after being fixed as herein provided shall be paid to them monthly out of the county treasury, upon a warrant of the county auditor. No officer shall receive or be paid, directly or indirectly, any part of the salary or compensation of such deputy, clerk, book-keeper, or other assistant, or any fee or reward for appointing him to such position; nor shall any such deputy, clerk, book-keeper, or other assistant receive, for any official act or duty, any additional fee, salary or compensation other than the compensation fixed as herein provided; the county commissioners shall allow, and order to be paid as other claims against the county, all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers; but the compensation of all deputies, clerks, book-keepers, and assistants hereby authorized to be paid, shall be paid out of the fees, costs, percentages, penalties, or allowances collected by said officer, and accounted for and paid into the county treasury.

SECTION 5. Each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners, of all sums due the county on account of official fees, costs, percentages, penalties, allowances and other perquisites of whatever kind, and of all such sums collected by him, and said books of accounts shall be a part of the records of their respective offices, and belong to the county, and shall be transmitted to their respective successors in office.

SECTION 6. Each of said officers shall, at the end of each month, pay into the county treasury, on the warrant of the county auditor, to the credit of the fee fund, and account to the county commissioners, for the use of the county, all the fees, costs, penalties, percentages, allowances and perquisites of every sort collected by him during said month; said county commissioners shall keep a separate account with each officer, but if at the close of any month the amount of fees, costs, percentages, allowances or penalties in the fee fund be not sufficient to pay to them the proportion due them for their own use as herein limited, they shall be entitled to receive the amount of any such deficiency out of the fee fund as created by collections subsequently made in any succeeding month or months, from the official costs, fees, percentages, allowances and penalties earned and charged by them, after deducting therefrom, the amounts allowed for the compensation of the deputies, clerks, book-keepers, and assistants, as hereinbefore provided. In case the fees, costs, percentages, allowances, or penalties in the fee fund be not sufficient to meet the salary of officers and clerks from the fee fund, the balance necessary to meet such deficiencies, may be taken, from the general county fund for the first three years after the passage of this act. The sheriff at the expiration of his term of office, or within ten days thereafter, shall pay over to his successor in office, all moneys that may be in his hands, under any execution, order of sale, or other legal process of whatever kind, and the proceeds arising from any sale of real or personal property by him pre-

viously made, and which he holds awaiting an order of court for confirmation of sale or distribution of proceeds.

SECTION 7. In case any officer named fails to pay over into the county treasury any money found to be due from him upon his settlement with the county commissioners, as herein required, for the period of thirty days after the same has been ascertained and found by him to be due, and notice given him, or if any one of the said officers wilfully fails to pay over moneys to his successor in office, as herein provided; or if any one of said officers knowingly make such report or statement false in any material matter, or if any one of the said officers wilfully violates any of the provisions in this behalf he shall, upon conviction upon indictment, or information, in the court of common pleas of the county, be adjudged guilty of misconduct in office, and be immediately removed therefrom, and in addition, forfeit all compensation to which he would otherwise be entitled, and be condemned to pay a fine for the use of the county, of not less than five hundred dollars, nor more than five thousand dollars; for the payment of which forfeiture and fine, as well as any amount otherwise due from him in his official capacity, his sureties shall be liable under their bond to be recovered in a civil action in the name of the state, for the use of the county; (probate judge shall be subject to all the fines and penalties prescribed in this section).

SECTION 8. The fees, costs, percentages, penalties, allowances and other perquisites paid into the county treasury by said officers shall be by the treasurer credited to a separate fund, to be called the fee fund.

SECTION 9. None of the said officers shall be authorized to make any reduction, abatement, or remission of any fee, cost, percentage, penalty or allowance that may be their duty to charge or collect, except upon the order of the county commissioners; and when the commissioners make any such order, it shall be entered upon the minutes or records of their proceedings, setting forth the reason for such reduction, abatement or remission; nor shall any such reduction, abatement or remission be made by any of the officers aforesaid, until such entry has been first made and properly certified to them by the auditor.

SECTION 10. When the net accumulated funds in the county treasury to the credit of the fee fund arising from the fees, costs, percentages, penalties, allowances or perquisites of the officers named herein exceed ten thousand dollars over and above the annual expenses payable therefrom, the county auditor, upon the order of the county commissioners, shall transfer from said fee fund to the sinking fund for the use of the county, any sum that has accumulated over and above such excess of ten thousand dollars.

SECTION 11. Nothing in the preceding sections relating to fees of officers shall be construed to vest in any of said officers, any title to any fees, costs, percentages, penalties or other perquisites remaining unpaid at the end of the official terms of such officers, but the same shall be the property of the county, to be collected by their respective successors in office and applied as herein provided.

SECTION 12. The cost of maintaining prisoners in the county jail shall be paid out of the county treasury, on the warrant of the auditor, approved by the county commissioners. The sheriff shall render monthly to the county commissioners an itemized and accurate account of the actual cost of maintaining the prisoners, and the amount which shall be

left after deducting from the sum now provided by law for such maintaining such prisoners such actual cost of so maintaining them shall be paid into the fee fund, on the warrant of the county auditor.

SECTION 13. The provisions of this act shall in no wise apply to or effect any officer elected or qualified prior to the passage of this act. Nothing contained in this act shall be so construed as to increase the amount of money paid to any one office over and above the amount paid into the general fund by the chief officer of said office after three years have elapsed.

SECTION 14. All acts or parts of acts relating to the fees or compensation of the county officers mentioned in section one of this act, inconsistent with the provisions of this act, are hereby repealed, so far as they are thus inconsistent, and this act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 23, 1896.

225L

[Senate Bill No. 313.]

AN ACT

To prescribe the purposes for which water rents may be assessed and collected in cities of the first grade of the first class.

[CINCINNATI]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, for the purpose of paying the expenses of conducting and managing the water works; and to provide for paying the expenses of making all betterments, enlargements and improvements of the works, including the building of machinery, buildings, tanks, towers, reservoirs, or any other water works appliances, or the repair of the same, or of the extensions of the works and reservoirs, or any additions thereto, or the laying, extending or enlarging of the water mains; and to provide for the payment of the interest of any loan heretofore or hereafter made for the purchase, lease, construction, improvement, betterment, enlargement or extension of any part of the water works system of such city, or for the creation of a sinking fund for the liquidation of the debt heretofore or hereafter made for any of these purposes; and to provide for the payment of the interest and the creation of a sinking fund for the payment of any renewal or extension bonds heretofore or hereafter issued, in lieu of water works bonds which may have matured, or which may mature, and for the payment of which no provision may have been made at the time of their maturity, and notwithstanding ordinances authorizing such renewal or extension bonds may provide for the payment of the interest and the creation of a sinking fund therefor, by taxation; and to provide for the payment of the interest and the creation of a sinking fund, for the payment of bonds heretofore or hereafter issued, for waterworks purposes, or for the purpose of laying water mains, by villages which have already been or which may hereafter be annexed to any

such city, and notwithstanding that such bonds may have been issued under acts requiring the payment of the interest thereon, or the creation of a sinking fund therefor, by taxation; and to provide for the payment of any contract obligations hereafter entered into by the board, or any other authorized board, hereinafter referred to with any person, company or corporation, their successors or assigns, for the construction of water works, or additions, enlargements, improvements or extensions to the water works; and to provide for the payment of any contract obligations hereafter entered into by the board hereinafter referred to or any other authorized board, with any person, company or corporation, their successors or assigns, for the lease of water works, or additions, enlargements, improvements or extensions to the water works; and to provide for the payment of any land, turnpike, highway or franchise of any description, or any easement or interest in any of the same, which may be necessary at any time for the purpose of extending, enlarging or improving the water works, or making additions thereto; the board having charge of the water works of such city, shall have the power to assess and collect, from time to time, a water rent of sufficient amount, in such manner as it deems most equitable upon all tenements and premises supplied with water, and where more than one tenant or water taker is supplied with water from one hydrant, or off the same pipe, and when the assessments therefor shall not be paid when due, the board shall look directly to the owner of the property for the entire rent, or so much thereof as remains unpaid for water furnished said premises, to be collected in the same manner as other city taxes.

SECTION 2. That section 2411, as amended April 18, 1893 (90 O. L., 198), and any and all other acts or parts thereof in so far as the same are inconsistent with any of the provisions of this act, shall not be applicable to cities of the first grade of the first class.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
226L

Passed April 24, 1896.

[Senate Bill No. 314.]

AN ACT

To provide for water works purposes in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any city of the first grade of the first class, the board of administration if there be one, and if not, the board having charge of the water supply of such city shall, by a resolution passed by a majority of the members thereof, declare that it is necessary to provide water works for such city, if there be no existing water works, or shall declare that a material enlargement, extension, improvement or addition to the existing water works of such city is required, if there be existing

water works of such city, it shall certify such resolution to the governor of the state, and thereupon it shall be his duty to appoint a board of trustees to be known as the "commissioners of water works," composed of five citizens, residents of such city, not more than three of whom shall belong to the same political party. All vacancies in the office of commissioner shall be filled in the same manner as the original appointment, but so that not more than three of such commissioners, when such vacancy shall have been filled, shall belong to the same political party.

SECTION 2. Each of said commissioners shall enter into bond to the city, with at least three sureties to the satisfaction of the mayor as to the sufficiency, and of the corporation counsel as to form, in the sum of one hundred thousand (\$100,000) dollars, conditioned for the faithful discharge of his duties; and the bond so taken shall be deposited with the treasurer of the city for safe keeping. Each of said commissioners shall receive as compensation for his services, four thousand (\$4,000) dollars per annum, which shall be paid out of the fund hereinafter created, or by the contracting parties hereinafter provided for. No commissioner, or person holding appointment under said commissioners, shall be interested directly or indirectly, in any contract entered into under the provisions of this act. Any commissioner may be removed for misfeasance, malfeasance, or nonfeasance in the manner provided for the removal of certain officers in chapter 3, division 4, of title 12, of the Revised Statutes of Ohio, and the acts that may be passed amendatory and supplementary thereto.

SECTION 3. The governor may appoint as one of the said five commissioners, a member of the board of administration of such city; if there be such a board and if such appointment be made, such commissioner shall give the same bond as required by section 2 of this act, and shall receive as compensation the sum of two thousand (\$2,000) dollars per annum. The duties imposed upon such commissioner and the compensation paid to such commissioner, shall be in addition to the duties and compensation of such commissioner as a member of said board of administration; and the duties of such commissioner, as a member of the board of administration, as provided by law, shall not be construed as being in conflict with the duties of such commissioner, under the provisions of this act.

SECTION 4. Said commissioners shall form a board, and shall choose one of their number president, and a majority of said board shall constitute a quorum to transact business. Said board shall hold regular meetings at such times and places as it may agree upon, and special meetings under such regulations as it may prescribe; and shall cause to be kept a full and accurate account of its entire proceedings, including an account of its receipts and expenditures, if any, and make a report of such receipts and expenditures, annually to the mayor and board of legislation of such city.

SECTION 5. Said commissioners are authorized to take up and consider the surveys, plans and specifications, if any, theretofore made or devised for water supply, and they may cause such additional investigations, surveys, plans and specifications to be made, as they may deem necessary, and after consideration thereof, they may adopt definite plans and specifications providing for the construction of such works, if there be none existing, or for an enlargement, extension, improvement or ad-

dition to existing water works, either within or without the limits of the city or state, including reservoirs, buildings, tunnels, pumping engines and machinery of all kinds, pipes, and other fixtures, appliances or facilities, as, in their opinion, are necessary to secure an abundant supply of pure and wholesome water; and said commissioners may also determine the location of any of such enlargements, extensions, improvements or additions.

SECTION 6. Said commissioners are authorized to acquire by purchase or by the proceedings hereinafter mentioned, on behalf of such city, all real and personal property and franchises necessary for the proper construction of water works, if there be none existing, and for the enlargement, extension, improvement, or addition to existing water works; and whenever, for such construction or the completion of any part or parts of such enlargements, extensions, improvements or additions, it shall be necessary to use or occupy any street or other public way, space, park or ground, or any part thereof, belonging to such city, or to cross any stream under the control of the state, said commissioners may take and use or occupy the same on behalf of the city for such purposes; and whenever it shall be necessary, in the opinion of said commissioners, to appropriate any land, turnpike, highway or franchise of any description, or any easement or interest in any of the same, in order to carry out the purposes set forth in this act, either within or without the limits of such city, or, whenever, for like reason, it shall be necessary, in the opinion of said commissioners, to appropriate land for the foundations or abutments of piers across any stream within this state, said commissioners are authorized to commence and conduct, in the name of such city, proceedings therefor, under and according to chapter 3, division 7, title 12, of the Revised Statutes, and the acts amendatory and supplementary thereto, and no concurrent action of any board or officer shall be necessary; and all the powers with respect to such proceedings that are now vested in any other board or officer, shall be vested also in and may be exercised by said commissioners.

SECTION 7. Said commissioners, in constructing such works, or such enlargements, extensions, improvements or additions, shall also have power and authority and be governed in respect of contracts as follows:

First—To make contracts, employ such superintendents, engineers, clerks, laborers and other employes, as they may deem necessary, and to fix their compensation; and any of such persons may be removed by a majority of said commissioners at any time. No contract which said commissioners shall enter into, or modification thereof, shall be valid until assented to at a regular or special meeting and concurred in by a majority of all the members, and such assent entered on the minutes of their proceedings.

Second—No money shall be expended on account of plans, specifications, drawings, construction or equipment of the water works herein provided for, or any other expense connected therewith, unless first authorized by said commissioners, and upon vouchers, signed by their president and clerk, upon the auditor, or other auditing officer, if there be no auditor of such city, to be paid by the treasurer of such city, upon the warrant of the auditor or other auditing officer, if there be no auditor, out of the funds hereinafter provided. Said commissioners shall, before entering

into any contract, cause plans and specifications, detailed drawings and forms of bids to be prepared, and careful estimate of cost to be made; and when adopted by them, they may, in their discretion, cause the plans and drawings to be multiplied and printed, by photographing, lithographing or other suitable process, and the specifications and forms of bids, contracts and bonds to be prepared, and have the same printed for distribution among the bidders.

Third—All contracts shall be made in writing, in the name of such city and signed by the president and clerk of said commissioners and by the contractor. Whenever it becomes necessary in the opinion of said commissioners, in the prosecution of said work, to make alterations or modifications in any contract, such alterations or modifications shall only be made by order of the commissioners; and such order shall be of no effect until the price to be paid for the work or materials, under such altered or modified contract, has been agreed upon in writing, and signed by the contractor and a majority of the members of said commissioners; and no contractor shall be allowed or recover anything for work or materials, caused by any alteration or modification, unless an order is made or agreement signed as aforesaid; nor shall he in any case be allowed or recover more for such work and materials than said agreed price; and if, when the commissioners have ordered an alteration or modification of contract, the contractor and the commissioners can not agree upon the price to be paid for work or materials, under such altered or modified contract, they shall submit the matter to arbitration, the commissioners choosing one arbitrator and the contractor one, and these two a third; and the award of such arbitrators, or a majority of them, as to the price to be paid, shall be made in writing and entered on the minutes of said commissioners, and when so entered shall be binding on both parties.

Fourth—If a contract, agreement or order, made or authorized by said commissioners be found to violate any of the provisions of this act, it shall at once become void and of no effect; and no money shall be paid or recovered for service rendered or materials furnished thereunder.

Fifth—Said commissioners shall not enter into any contract for work in the construction and completion of said water works system, without first causing thirty days' notice to be given in one or more newspapers of general circulation in such city, that sealed proposals will be received for doing the work or furnishing the materials, provided that said commissioners may procure plans therefor in the manner indicated in section 5 of this act, and shall not be required to advertise for bids for making or printing the drawings, specifications and forms of bids, contracts and bonds.

Sixth—In all cases of competitive bidding, whether in the construction or completion of, or furnishing equipments for such water works system, no bid shall be received or considered by said commissioners which covers a patented material, process or device, until the person who owns or controls the patent or has a contract for the exclusive use of such patented material, process or device, has entered into a written agreement with the said commissioners for the benefit of all bidders, whereby the lowest price shall be fixed at which the owner of such patent, or patented articles will furnish to said commissioners, or which he will furnish to all bidders such patented material, process or device.

Seventh—All bids shall be enclosed in a sealed envelope and deposited with the clerk of said commissioners; and such sealed envelopes

shall have endorsed thereon the nature of the same and the name of the bidder; and all bids shall be opened at a regular meeting of the commissioners, and at an hour to be indicated in said notice. Each bid shall be accompanied with a bond in a sum to be fixed by said commissioners, signed by sufficient sureties, for the acceptance of the contract, if awarded by the commissioners; or the bidder may deposit with the commissioners, in lieu of such bond, a certified check or bank certificate of deposit, payable to the order of said commissioners; or cash equal in amount to the bond as above required; and, in case of refusal by the bidder to whom the award is made to enter into contract according to his bid, within such reasonable time, as the commissioners may determine, said bond shall be put in suit, and the amount collected paid into the fund hereinafter provided; or, if a check, or certificate of deposit, or cash is deposited, the amount shall be immediately paid into such fund.

Eighth—Said commissioners shall enter into contract with the lowest and best bidder, upon his giving bond to such city, with sureties as the commissioners shall approve, that he will perform the work and furnish the materials in accordance with his contract, and that the sureties agree in advance to such modifications and alterations as may be made by said commissioners and the contractor, within the limits of the penal sum mentioned in the bond; and on the failure of such bidder, within a reasonable time, to be fixed by the commissioners, to enter into bond with the sureties before provided, a contract may be made with the next lowest and best bidder, and so on, until a contract is effected with a contractor giving bond as aforesaid; provided, that the commissioners may let the work in whole or in parts, and may receive bids for labor and material separately, as it may deem best, and may reject any and all bids. Should a contractor fail, from any cause, to complete the work contracted for by him, said commissioners shall relet the unfinished part of said work or complete the same by days' work or otherwise, as may be for the best interests of the city in the judgment of said commissioners, and shall charge the cost of completion to the contractor.

SECTION 8. If said commissioners should deem it inexpedient or inadvisable to proceed under section 7 of this act, then, in order to provide for the construction of water works, if there be none existing, or for the enlargement, improvement or addition to existing water works, said commissioners are hereby authorized to contract, in the name of the city, with any person, company or corporation, their successors or assigns, for the construction of such works, or such enlargements, extensions, improvements or additions, as an entirety, in accordance with the surveys, plans and specifications that may be adopted, and for the exclusive privilege of connecting such enlargements, extensions, improvements or additions with the existing water works, and for a lease on behalf of such city of such water works, or of such enlargements, extensions, improvements or additions to the same, from the person, company or corporation, their successors or assigns so constructing the same, upon such terms as may be agreed upon, and may by said contract or lease pledge the income of such water works as so constructed and enlarged, to secure the payment of the rentals provided in said lease. And said commissioners are hereby authorized to convey to such person, company or corporation, their successors or assigns, any property or rights acquired, or which may become necessary to acquire, under the provisions of section 6 of this act, or authorize the use of any property which may be necessary to enable the

said person, company or corporation, their successors or assigns, to complete the construction or enlargements, extensions, improvements or additions to existing water works, upon such terms and conditions as may be agreed upon; provided, however, that no such lease shall be made for a longer period than forty years, renewal forever, with the right reserved to said city, upon six months' notice in writing, at the end of each period of ten years, or at such shorter period as may be agreed upon during the term of said lease, to purchase said water works, or the enlargements, extensions, improvements and additions to the water works, under such terms and conditions as may be agreed upon in said contract; and provided, further, that in making such contract, said commissioners shall be governed by all the statutes now in force relative to competitive bidding, and the making of contracts. And provided further, that if said commissioners enter into said contract and lease, as herein provided for, then said works shall be operated, managed and conducted by such city, as provided by law.

SECTION 9. All expenses that may be incurred by said commissioners up to the time that any contract may be entered into as provided by section 8 of this act or until the issue and sale of any bonds hereinafter provided for may have been consummated, shall be paid out of the water works fund of such city, by the board having charge of the water supply of such city, upon vouchers drawn and approved by said board, but all such sums so paid shall be reimbursed to the said water works fund, either by the contracting parties hereinbefore mentioned, or out of the proceeds of the sale of bonds hereinafter provided for.

SECTION 10. To provide a fund to pay the cost and expenses contemplated by this act, the said commissioners are hereby authorized to borrow, from time to time, as money may be needed, in behalf of such city, an amount not to exceed six million five hundred thousand (\$6,500,000) dollars, and to issue bonds therefor in the name of such city, under the corporate seal thereof. Such bonds shall be designated "water works bonds" of such city, shall be signed by the president of said commissioners of water works, and attested by the auditor of the city, or other auditing officer, if there be no auditor, and shall bear such interest, not exceeding four per centum per annum, and be payable at such times and places, and in such amounts as said commissioners may determine. Said bonds shall be sold, as provided by law, and as a security therefor, upon the sale thereof, a lien shall arise in favor of the bond-holders upon the water works property then owned and thereafter acquired by such city, except as hereinafter provided for, and upon the net income of the water works, and said bonds shall be further secured by a pledge of the faith and credit of such city.

SECTION 11. The moneys arising from the sale of said bonds shall be deposited with the city treasurer as a fund to the credit of said commissioners of the water works, and shall be called the "water works improvement fund"; and of this fund said commissioners shall be the sole trustees and shall have full control and disbursement of the same. No part of said fund shall be diverted to any other use or purpose than that specified in this act. All warrants drawn upon the auditor or other auditing officer, if there be no auditor, for payment out of said fund, shall designate on their face, "for reimbursement" (as provided for in section 9), "for plans," "for specifications," "for construction," "for equipment," according as they are drawn for the one purpose or the other, and a careful

account of the condition of said fund shall be separately kept by the auditor of said city, or other auditing officer, if there be no auditor.

SECTION 12. Whenever the water works or the enlargement, extension, improvement or addition to existing water works are completed as contemplated under section 7 of this act, control of the same shall be surrendered by said commissioners to the board having charge of the water supply of such city; provided, that whenever in the judgment of said commissioners any portion of such improvement is completed so that the same can be surrendered without impeding or embarrassing other portions of said improvements, the same may be surrendered to the board having charge of the water supply of such city.

SECTION 13. Whenever any property, both real and personal, occupied and used for water works purposes in such city, shall not be required for such purposes, by reason of the enlargement, extension, improvement or addition as herein provided for, the board having charge of the water supply of such city shall have power, after giving thirty days' notice by advertisement in one or more newspapers of general circulation in such city, to sell the same on sealed proposals, to the highest and best bidder therefor. And the lien hereinbefore created for the security of the bonds hereinbefore authorized shall be transferred to the proceeds arising from the sale of such property; and such proceeds shall be placed to the credit of the sinking fund hereinafter provided, for the final redemption of the bonds issued under the provisions of this act.

SECTION 14. Upon the completion of any water works, or the enlargement, extension, improvement or addition provided for in this act, whether the same be under section 7 or section 8 thereof, the term of office of the commissioners and the employment of their several employes shall cease, and any unexpended funds shall be placed and kept to the credit of the sinking fund, provided for by this act; and thereupon, the control and management of said water works, if constructed under section 7, shall pass to and vest in the board having charge of the water supply in such city, and the obligations entered into by said commissioners under section 8, if any, shall be assumed and performed by the said board having charge of the water supply, the expense thereof to be paid out of the revenues of the water department after assuming control of the works herein provided for. The board having charge of such water works shall not thereafter be permitted to create any debt or liability for any of the purposes for which they are authorized to assess water rents, including all obligations incurred under the provisions of this act, that cannot be met and paid from the income of the water works department for that year; and all debts created in violation of this provision shall be absolutely void; nor shall the board of legislation create any debt or borrow any money for the use of the water works of such cities.

SECTION 15. The interest becoming due on the bonds which may be issued under the provisions of section 10 of this act, shall be paid pending the construction of said works out of the proceeds of the sale of such bonds, unless the board having charge of the water supply of such city, agrees to assume the same or any portion thereof, during the construction of such works, out of the proceeds of the revenues of the water department, and in that case such board shall be permitted to do so. The interest becoming due on the bonds which may be issued under the pro-

visions of section 10 of this act, after the completion of the work herein authorized, and after the control of the same has been surrendered to the board having charge of the water supply of such city, shall be paid by such board each year out of the revenues of the water department.

SECTION 16. For the purpose of providing a sinking fund for the final redemption of any bonds which may be issued under section 10 of this act, the board having charge and control of the operations of the water works of such city, and the collection of the revenue therefrom, shall make semi-annual payments from the net revenues of such water works to the sinking fund, commencing the sixth year after the appointment of the commissioners provided for in section one of this act, of not less than seventy-five thousand (\$75,000) dollars per annum, until said bonds are paid, or an adequate fund provided for the final redemption of the same; and said yearly sums, together with their earnings and other payments hereinafter provided for, shall be invested in accordance with law by the sinking fund trustees of such city; or if there be no trustees of the sinking fund, then by the board or officer or officers having charge of the sinking fund of such city, solely for the benefit of the sinking fund for the final redemption of said bonds.

SECTION 17. No member of said commissioners shall be individually responsible to any contractor or employe upon any contract or employment made in pursuance of this act, nor to any person upon any claim occasioned by any act or default of any person contracted with or employed in pursuance of this act.

SECTION 18. The provisions, restrictions and limitations of sections 2690*h*, 2690*i*, 2690*j*, 2699 and 2702 of the Revised Statutes shall not apply to the commissioners appointed under this act, in the prosecution of the work, or the contracts herein provided for.

SECTION 19. That section 2229*a* passed February 4, 1885 (vol. 82, p. 50); section 2229*b*, passed March 21, 1887 (vol. 84, p. 167); sections 8417—31 to 8417—35 passed March 2, 1888 (vol. 85, p. 53); and an act entitled "An act relating to plans, specifications and constructions and completion of water works in cities of the first grade of the first class," passed April 6, 1892 (vol. 89, pages 209 to 216), and all other acts inconsistent herewith, be and the same are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
227L

Passed April 24, 1896.

[Senate Bill No. 369.]

AN ACT

To amend section 8 of an act to establish a board of fire commissioners in cities of the third grade of the first class who shall have the management and control of the fire department, passed Feb. 22, 1889 (86 O. L. 54).

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8 of an act to establish a board of fire commissioners in cities of the third grade of the first class, who shall have the management and control of the fire department, passed February 22, 1889 (86 O. L., 54), be amended to read as follows:

SEC. 8. [Levy of tax.] That the board shall, on the last Friday of April, annually, certify to the common council the amount necessary to be levied on the tax duplicate for the support of the department for the ensuing year, and so much thereof as may be allowed by the common council (which shall not be reduced below two and one-half (2½) mills on the dollar on the taxable property in such city) shall form a part of the tax levy and be placed to the credit, and shall be used exclusively for the use of the fire department; but said board shall have no power to incur any liability on behalf of any such city beyond the amount so levied and set apart; and all claims on account of the department shall be approved, by a majority of the board, and when so approved, referred to the common council for payment.

SECTION 2. That said section 8 of an act to establish a board of fire commissioners in cities of the third grade of the first class, who shall have the management and control of the fire department, passed February 22, 1889 (86 O. L., 54), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
228L

Passed April 24, 1896.

[House Bill No. 398.]

AN ACT

To authorize the city council of the city of Mansfield, Ohio, to levy an additional tax for sanitary purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Mansfield, Ohio, be and the same are hereby authorized to levy a tax on all the taxable property within such municipality, not exceeding five-tenths (5-10) of a mill on the dollar for each year in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of collecting and disposing of the garbage accumulated in said municipality.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 229L

Passed April 24, 1896.

[House Bill No. 405.]

AN ACT

To authorize the county commissioners of Adams county, Ohio, to issue bonds for the redemption of outstanding free turnpike indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Adams county, Ohio, be and they are hereby authorized to issue bonds not to exceed in amount the sum of twenty-five thousand (\$25,000) dollars in denominations of five hundred (\$500) dollars, bearing interest at a rate not exceeding four (4) per centum per annum, payable semi-annually and redeemable at such times not exceeding twenty (20) years from date, as the board of county commissioners may prescribe.

SECTION 2. Said bonds shall not be sold for less than their par value, and may be sold at such times and in such amounts from time to time as will best carry out the purpose for which they are issued.

SECTION 3. The proceeds of said bonds shall be used for the purpose of redeeming bonds for county turnpikes of said county now outstanding.

SECTION 4. For the purpose of paying the interest on said bonds and the principal thereof, the board of county commissioners of said county is hereby authorized to levy annually a tax upon all the taxable property of the county in addition to the amount already allowed to be levied by law, sufficient to pay the interest and principal, as the same shall fall due.

SECTION 5. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 230L

Passed April 24, 1896.

[House Bill No. 410.]

AN ACT

To authorize the board of education of the village school district of Fayette, Fulton county, Ohio, to levy an additional tax to carry on the schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of the village of Fayette, Fulton county, Ohio, be and the same are hereby au-

thorized to levy a tax for the years 1896, 1897, 1898, 1899, 1900, on all the taxable property within said-school district, not exceeding eight mills on the dollar for each year in addition to the seven mills authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
231L

Passed April 24, 1896.

[House Bill No. 421.]

AN ACT

To supplement section 14 of a certain act therein named, passed February 3, 1893.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 14a of an act entitled "An act to supplement section 14 of an act to provide for the improvement of streets and avenues in certain cities of the second class," passed April 24, 1893, be and the same is hereby amended so as to read as follows:

SEC. 14a. In order to provide an additional fund for carrying on said improvements provided for in said act, passed April 24, 1890, and to construct storm-water sewers, drains, culverts, man-holes, and catch-basins upon streets or avenues paved or about to be paved or upon streets or avenues upon which they are rendered necessary by the paving of other streets or avenues, and to pay so much of the cost of said improvements as is provided in said act of April 24, 1890, shall be paid by the city at large and to pay the cost of said sewers, drains, culverts, man-holes and catch-basins it shall be lawful for the board of city affairs of any such city, and said board is hereby empowered to issue bonds in the name of said city, additional to the bonds authorized by section 14 of said act of April 24, 1890, in any amount not to exceed the sum of five hundred thousand dollars; said bonds shall be issued from time to time as the work progresses in such denominations as may be determined by said board of city affairs, and shall be made payable in not less than ten nor more than thirty years from the date thereof, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually. Said bonds shall be signed by the president of said board of city affairs, and attested and sealed by the city comptroller, and for the payment of said bonds and the interest thereon, the city council of such city shall levy a tax, and in addition in rate and amount to all other taxes authorized by law, every year during the periods the bonds have to run, sufficient in amount each year to pay the bonds due that year and the accruing interest, and any funds that are or may be in the treasury of such city, arising from the sale of bonds issued under this act, or under said original act passed February 3, 1893, may be used by said board of city affairs for the construction of storm-water sewers, drains, culverts,

man-holes and catch-basins in such city upon streets and avenues as aforesaid.

SECTION 2. That said original act, passed February 3, 1893, and entitled "An act to supplement section 14 of an act to provide for the improvement of streets and avenues in certain cities of the second class, passed April 24, 1890," be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
232L

Passed April 24, 1896.

[House Bill No. 470.]

AN ACT

For the relief of John Whitman, treasurer of Milton township, Wayne county, Ohio, and the sureties on his official bond.

WHEREAS, on the seventh day of February, A. D. 1893, John Whitman was treasurer of the township of Milton, in the county of Wayne, in the state of Ohio, and as such treasurer had on deposit with the Exchange bank of Seville, Medina county, Ohio, a banking institution, the sum of \$426.04, and

WHEREAS, On the said seventh day of February, 1894, the said Exchange bank having become insolvent, a receiver was appointed to wind up its affairs, and

WHEREAS, It has become apparent that the receiver of said banking institution will be unable to realize upon the assets coming into his hands a sufficient amount to pay the creditors of said bank in full, and

WHEREAS, The said John Whitman has repaid to said township the full amount of said sum of \$426.04, and

WHEREAS, A large number of the taxpayers and other electors of said township have by their petition expressed a desire to have the said John Whitman and the sureties on his official bond reimbursed for all loss sustained by them by reason of the deposit of said sum of \$426.04 in said bank; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be submitted to the electors of the said township of Milton in Wayne county, Ohio, at the next general election to be held therein, the proposition to reimburse the said John Whitman and the sureties on his official bond as such treasurer, for the loss sustained by said John Whitman as such treasurer by reason of the deposit of said sum of \$426.04 in said Exchange bank of Seville, in such sum as may remain unpaid after the application of all dividends or payments that may be made by the receiver of said bank.

SECTION 2. The ballots to be voted at such election upon said proposition, shall have written or printed thereon, "For relief—Yes," "For relief—No."

SECTION 3. If a majority of all the votes cast upon said propo-

sition at such election shall be in favor of the relief of the said treasurer and his said bondsmen, then the trustees of said township shall at the next levy of taxes for said township, in addition to taxes levied for other purposes, levy an additional tax, sufficient to raise the sum necessary to make good the loss sustained by said John Whitman as such treasurer as aforesaid, which said tax when collected and received by the treasurer of said township, shall on the order of the trustees of said township be paid to said John Whitman.

SECTION 4. The deputy state supervisors of election of the said county of Wayne shall cause notice of the submission of said proposition to the electors of said township to be given by publication in two newspapers of opposite politics, in said township, for at least thirty days next prior to the date upon which such election is to be held, the costs and expenses of which notice shall be paid by the said John Whitman.

SECTION 5. The judges and clerks of election of the different precincts in said township, shall make return of the number of votes cast for and against said proposition to the township clerk of said township who shall consolidate the same and record the vote in the records of said township.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

233L

[House Bill No. 482.]

AN ACT

To create a special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory in the county of Montgomery, and in the township of Mad River, described as follows, to wit: The territory in Mad River township, bounded by beginning at the intersection of the south boundary of Mad River township and the corporation line of the city of Dayton, thence running north and east along said corporation line to the intersection of said corporation line and the Smithville road; thence south along the center of said road to the center of the Dayton and Xenia pike; thence east with the center of said pike to the point of its intersection with the half section line of section 21, township 2, range 7; thence south on half section line to the township line; thence west on the township line to the place of beginning, be and the same is hereby created and constituted a special school district, to be known as Oakland special school district.

SECTION 2. The board of the present district shall constitute the board of education of said special district until their successors are elected and qualified; and upon the second Monday of May, 1896, the electors of said special school district shall elect three members of the board of

education, one for one year, one for two years and one for three years, from said third Monday of April, 1896, who shall hold their offices for the terms specified, and until their successors are elected and qualified.

SECTION 3. The said special school district shall be entitled to all of the school property within such territory, and the title thereto is vested in the board of education of said special school district.

SECTION 4. The said special school district shall be entitled to and shall receive its proportionate share of the school and school-house funds, and the funds levied for incidental expenses in accordance with the enumeration of 1895, of children who are entitled to attend schools, said funds being those now collected or already levied and not collected, either in the county or district treasury, such proportionate share of said special district to be ascertained and fixed by the auditor of Montgomery county.

SECTION 5. The board of education having control of the territory of said special district shall be required to levy a tax for and pay its pro rata share of the existing indebtedness of the present district.

SECTION 6. Said special district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
234L

Passed April 24, 1896.

[House Bill No. 531.]

AN ACT

To amend section 2 of an act entitled "An act to secure greater efficiency of the public schools in counties therein named," passed May 14, 1894 (O. L., V. 91, p. 739).

[HURON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act entitled "An act to secure greater efficiency of the public schools in counties therein named," passed May 14, 1894 (O. L., v. 91, p. 739), be amended so as to read as follows:

SEC. 2. Whenever any school is so temporarily closed, and the pupils transferred to another school, or to schools within the township, the per capita current expense of running the school or schools where such pupils attend, for the time so attending, shall, upon demand of the board of education, be paid from the funds of the subdistrict where such children having legal residence, which per capita cost, in all cases, shall be the quotient produced by dividing the total current expense of running such school by the total number of children of school age in such district; and in addition to the powers now enjoyed, the board of education is authorized to expend any sum not exceeding sixty per centum of the school funds of the district or districts where the schools are so closed, for securing facilities whereby the pupils may be delivered by conveyance to the school to which they are assigned and returned to their homes.

each day, and may contract with one or more persons for the performance of such duty; and the local directors of the districts in which such schools are so closed and consolidated shall have charge of such transportation, and may establish routes and give directions in relation thereto.

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

235L

[House Bill No. 559.]

AN ACT

To authorize the commissioners of Mahoning county to build two overhead bridges across the Mahoning river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Mahoning county be, and they are hereby authorized and empowered to erect, construct and build two bridges across and over the Mahoning river and all steam railways between the south bluffs of said river and Front street, on Market street, and South avenue in the city of Youngstown, together with the proper and necessary approaches thereto as follows: The bridge now across said river at Market street in said city to be removed and reerected with any desirable and necessary changes, additions and masonry at South avenue, and a new overhead bridge as above to be constructed at Market street.

SECTION 2. No franchise to lay a street railway track, or tracks, or to operate street railway cars upon or over said new overhead bridge in Market street shall take effect, nor shall any street railway track, or tracks, be laid, or street railway cars be operated upon or over said bridge, until after the question of having such track or tracks laid and such cars operated thereon, shall have been submitted, by the county commissioners, to the qualified voters of Mahoning county, at a general or special election; nor shall such question be submitted, unless and until there is filed with the county commissioners a petition for such submission, signed by the owners of a majority of the land fronting on said Market street, and by at least two hundred (200) freeholders of said county. If a majority of all the votes cast on said question, at such election shall be against street railways on said bridge, the same shall be reserved for the exclusive use of pedestrians and those who travel by vehicles other than street cars, and the question shall not be again submitted for at least three (3) years from and after the date of such election.

SECTION 3. For the purpose of borrowing money to pay for building and constructing said bridges the commissioners of said county are hereby authorized and empowered to issue the bonds of said county in any sum to be determined by them not exceeding two hundred thousand dollars in denominations to suit purchasers, not less than one hundred dollars, bearing interest at the rate of five per cent. per annum payable semi-annually on the first days of March and September, and the prin-

cipal thereof payable as follows: Ten thousand dollars on the first day of September, A. D. 1900, and ten thousand dollars on the first day of September, each year thereafter until all are paid. The sale of said bonds to be duly advertised and sold to the highest bidder, but no bond shall be sold for less than its par value.

SECTION 4. For the purpose of providing for the payment of the interest and principal of said bonds, the said county commissioners are hereby authorized and empowered to levy and assess annually a tax not exceeding four-tenths of one mill on each dollar of the real and personal tax valuation of said county, over and above all other taxes and limitations thereon now authorized by law.

SECTION 5. Any act or part of an act inconsistent with any provision of this act is hereby repealed in so far as it is in conflict or inconsistent with any provision of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
236L

Passed April 24, 1896.

[House Bill No. 578.]

AN ACT

To authorize the commissioners of Clinton county to contract with the council of the village of Wilmington for the maintenance of a workhouse and prescribing of the government of same.

WHEREAS, The village of Wilmington is now the owner of a workhouse, and the commissioners of Clinton county desire to contract with the council of the village of Wilmington for the joint use and management of a workhouse,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clinton county and the council of the village of Wilmington, are hereby authorized to enter into a contract for the organization and maintenance of a joint workhouse.

SECTION 2. The county commissioners shall defray the expenses of said workhouse out of the county treasury, incurred on account of committals thereto of persons charged with offenses under the statutes of Ohio; the village of Wilmington shall defray the expenses incurred on account of committal thereto for violation of the ordinances of said village and for misdemeanors committed within said village, and the board of directors shall regulate the terms and condition under which convicts from other towns and villages shall be received. The general expenses of said workhouse shall be apportioned between said county and said village according to time and expenses of such committal, and settlement shall be made quarterly on the first Monday of March, June, September and December, and shall be verified under oath by the clerk of the said board, and the payment shall be made by said village out of the workhouse funds

on the allowance of said board and the council of said village on orders signed by the president of the council and village clerk.

SECTION 3. The direction, management and control of said workhouse and the maintenance and care of convicts therein shall be vested in a board of six directors, who shall be called the board of workhouse directors; three of whom shall be the three members of the board of county commissioners and the other three shall be members of the village council appointed by said council for a term of one year, and the members of said board shall receive no compensation for their services as such directors. In case of an equal division of said board on any question the probate judge of Clinton county shall be authorized to cast the deciding vote.

SECTION 4. The board of directors of said workhouse shall make and establish rules and regulations for the governing of said workhouse, shall employ the superintendent and guards, and fix the rental said commissioners shall pay for the one-half use of said workhouse. Any person sentenced to said workhouse shall be received therein and shall be subject to the rules, regulations and discipline thereof until the expiration of his sentence or he be discharged according to law.

SECTION 5. The officer having the execution of the final sentence of any court, magistrate or mayor, shall cause the convict to be conveyed to the workhouse as soon as practicable after the sentence is pronounced, and all officers shall be paid the fees allowed therefor by law for similar services in other cases; such fees to be paid when the sentence is for a state offence out of the county treasury and for a violation of an ordinance out of the corporation treasury from which such committal was made.

SECTION 6. When a person is committed to said workhouse in default of payment of a fine, penalty or cost, he shall be allowed the sum of sixty cents (60) per day credit on such fine and cost for each day he is employed at work in said workhouse and obeys the orders, rules and regulations thereof; and the directors shall make such rules as they deem proper to credit prisoners with time for good behavior while confined therein. If a person confined therein pay in whole or in part the fine and cost assessed against him the superintendent of said workhouse shall receive the same, and if the amount so paid is sufficient to pay the amount due on the fine and cost assessed he shall discharge the prisoner and remit the same forthwith to the treasurer of said county, when committed by an officer other than the mayor of Wilmington. In all other cases he shall pay the same to the mayor, taking duplicate receipts therefor in all cases, one of which shall be deposited with the village clerk; but no person committed or held in default of fine or costs of any prosecution shall be released under the laws providing for the relief of insolvent debtors.

SECTION 7. The board shall have power to discharge for good and sufficient cause a person committed to such workhouse, but a record of such discharge shall be kept and reported to the council of said village and the commissioners of said county in the annual report of the board, with a brief statement for the reason therefor.

SECTION 8. Commissioners of said county shall levy a tax for the purpose of meeting the county's share of the expense of maintaining such workhouse on all the taxable property in the county not in the village of Wilmington, and the council of said village shall levy a tax on all the taxable property of said village to meet the village's share of main-

taining said workhouse; which amount so raised shall be credited to the workhouse fund.

SECTION 9. The board of directors shall have power to purchase material to employ the convicted person and shall sell the product thereof at the best price possible, and the money arising from such sales shall be placed to the credit of the workhouse fund.

SECTION 10. The clerk of the village of Wilmington shall be the clerk of said board and shall keep the records of said board and the books of said workhouse and make out all the reports required by law and such others as the board may direct. He shall receive for such services such sum as the board of directors may prescribe, payable out of the workhouse fund.

SECTION 11. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

237L

[House Bill No. 599.]

AN ACT

To authorize the county commissioners of Franklin county to issue bonds to build a bridge and approaches across Big Walnut creek in Blendon township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county, Ohio, be and they are hereby authorized and empowered to construct a bridge across Big Walnut creek in Blendon township, Franklin county, Ohio, on the county road leading from Central college in an easterly direction from Blendon, to Plain township, on the site of the old wooden bridge now spanning said Big Walnut creek about eighty rods east of said Central college, together with the proper and necessary approaches thereto, at a cost not to exceed the sum of \$20,000; and in the exercise of their powers and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed in this act.

SECTION 2. For the purpose of raising money to defray the expenses of constructing said bridge with the proper and necessary approaches thereto, said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county, Ohio, at not less than their par value, in sums of not less than five hundred dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of twenty thousand dollars. And said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 238L

Passed April 24, 1896.

[House Bill No. 636.]

AN ACT

To authorize the county commissioners of Clermont county to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Clermont county be and they are hereby authorized to issue the bonds of said county in any sum not exceeding ten thousand dollars for the purpose of building a bridge across the east fork of the Little Miami river at Perintown, Ohio. Said bonds shall be issued for such length of time and in such amounts as the board of county commissioners shall deem proper, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually.

SECTION 2. The board of county commissioners are hereby authorized to levy a tax, annually, in addition to all other taxes now authorized by law, for the purpose of paying interest on and redeeming said bonds as they may mature.

SECTION 3. The board of county commissioners of said county are hereby authorized to levy a tax on all the taxable property of said county for general county purposes, in an amount not exceeding one-tenth of one mill on the dollar valuation, each year in addition to the amount now authorized to be levied for said purpose, the same to be entered upon the general duplicate of said county, and collected in the same manner as the other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate
 239L

Passed April 24, 1896.

[House Bill No. 648.]

AN ACT

To authorize the village council of Huron, Erie county, Ohio, to issue bonds for the purpose of providing said village a system of waterworks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council in the village of Huron, in the county of Erie, and the state of Ohio, be and is hereby authorized and empowered

to issue bonds of said village in any sum not to exceed fifty thousand dollars (\$50,000) and bearing interest at a rate not exceeding six per cent. per annum, payable annually, and to be of such denominations as the council shall by ordinance determine, but not less than one hundred dollars each; and shall be made payable at such time and place as the council shall by ordinance prescribe; but not more than fifty years from date, and which bonds shall not be sold for less than par value in cash. The proceeds of such bonds shall be used for the purpose of buying or leasing the necessary land and water-right and material, and constructing thereon and therewith a system of water works for said village, and for no other purpose whatever, and such bonds shall be signed by the mayor of said village and attested by the clerk thereof, and seal of said village, and when sold the proceeds shall be paid to the treasurer of said village; who shall hold and disburse the same as other village funds are by him held and disbursed. But in no event shall any of the proceeds of such bonds be used for any other purpose excepting that provided by this act.

SECTION 2. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, annually thereafter until said bonds and interest thereon is fully paid, to assess and levy a tax on all taxable property of the corporation sufficient to pay for said bonds as they fall due, with interest occurring thereon. All earnings of said water works, after deducting current expenses, shall be paid into the sinking fund and used for the extinguishing of such indebtedness.

SECTION 3. Provided, that before said bonds are issued, the village council shall submit the proposition to the electors of said village, at a special election to be held for such purpose, at such time and place as the council shall determine by resolution, notice of which shall be given of the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the holding of such election, in a newspaper of general circulation in said village, and the form of the ballot shall be as follows: Those in favor of constructing water works and issuing said bonds shall have written or printed on their ballots, Water works—Yes. Those opposed to the construction of water works and the issuing of said bonds shall have written or printed on their ballots, Water works—No. At such election the mayor and council, any three of whom shall be a quorum, shall serve as judges, and the clerk shall serve as clerk, who shall present the poll-books and returns of said election to the council at its next meeting thereafter, when the same shall be opened and canvassed, and the result declared and entered upon the minutes of said council; and if it shall appear that a majority of the ballots cast at such election were in favor of water works and issuing of said bonds, then the council shall proceed to issue such bonds, and not otherwise; provided, however, that before issuing such bonds or contracting any liabilities whatever, the council shall fix by ordinance on what street said water pipes shall be laid, giving dimensions and kind of pipe to be used, the number of fire plugs and distance from each other, the height to which the matter is to be raised, which shall be of sufficient height to conduct the water to any part of the village, the number of miles of pipe to be laid, and such other matter as may be necessary to have a complete and sufficient system of water works. After the passage and publication of such ordinance as prescribed by law, the council shall advertise for sealed proposals in accordance with the provisions of such or-

dinance, and which proposals may be for a part or the whole of the labor and material to be furnished, as the council in its discretion may deem best, and if it is ascertained upon opening the bids that said water works can be built complete in every respect, and that good and responsible parties will enter into contract, with good and sufficient bond that they will build said water works or such part as may be let to them, for a sum not to exceed fifty thousand dollars, for the whole, said council may accept such proposals as in their judgment are most reasonable, economical and satisfactory, and enter into contract for such purpose, and may issue bonds as herein provided and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

240L

[House Bill No. 649.]

AN ACT

To authorize the council of the incorporated village of Kelly's Island, Erie county, Ohio, to issue bonds for the purpose of repairing town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Kelly's Island, Erie county, Ohio, be and is hereby authorized to borrow not to exceed five thousand dollars for the purpose of repairing the town hall known as "Kelly's hall."

SECTION 2. That for the purpose aforesaid the said council is hereby authorized to issue bonds not exceeding five thousand dollars to be signed by the mayor of said village and attested by the clerk thereof, in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding twenty years from the respective dates thereof as may be determined by said village council. Said bonds shall be sold at not less than the par value thereof, and shall have interest coupons thereto attached.

SECTION 3. And the council of said village is hereby authorized to levy a tax annually on all the taxable property of said village to pay the interest of said bonds and to provide by a sinking fund or otherwise until the principal of such bonds is fully paid, and such levy shall be placed on the tax duplicate by the auditor of Erie county and collected as other taxes; and to effect this purpose such levy if necessary shall be made in addition to other tax levies authorized by law.

SECTION 4. Before such loan is made or such bonds are issued the question of such loan or issuing said bonds shall be submitted to a vote of the qualified electors of said village at any municipal or general election or at any special election that may be called for that purpose by said village council, of which election ten days' notice shall be given by publication in two newspapers of general circulation in said village; and

if a majority of the ballots cast at such election be in favor of such town hall loan and bonds, then and [not] otherwise shall the village council be authorized to repair said hall, borrow money and issue bonds as herein provided. Those voting in favor of said hall loan and bonds shall have written or printed on their ballots, "Town hall bonds—Yes," and those opposing such hall loan and bonds shall have written or printed on their ballots, "Town hall bonds—No."

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

241L

[House Bill No. 684.]

AN ACT

For the relief of Thomas G. Gordon.

WHEREAS, Thomas G. Gordon, treasurer of Rush township, Tuscarawas county, Ohio, had on deposit in the city bank of New Philadelphia, Ohio, the sum of [\$]1,144; and,

WHEREAS, said bank made an assignment on the 10th day of February, A. D. 1896, for the benefit of its creditors; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said Thomas G. Gordon and the sureties on his official bond as treasurer as aforesaid be and are wholly relieved and released from the payment to said township of Rush, or to the officers thereof, of whatever part of the eleven hundred and forty-four dollars (\$1,144) that shall remain due said Thomas G. Gordon as treasurer aforesaid from said city bank of New Philadelphia, Ohio, upon the final settlement of the affairs of said bank; and they and each of them shall be relieved and forever released from all liability for said sum. And the assignee of said bank is hereby authorized and directed to pay into the treasury of said township all dividends that may hereafter [be] declared in favor of said claim from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

242L

[House Bill No. 706.]

AN ACT

To authorize the city of Martin's Ferry, Ohio, to erect and operate an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Martin's Ferry, Ohio, shall have power, whenever it may be deemed expedient for the public good, to erect and operate electric light works at the expense of the corporation.

SECTION 2. When such electric light works shall have been erected, at the expense of the corporation, the council shall appoint a board of trustees, of not more than five nor less than three members, which shall construct such electric light works when they shall have been constructed and supply the corporation and the citizens thereof with electric lights and power; and the trustees shall serve until their successors are elected and qualified as hereinafter provided.

SECTION 3. At the annual corporation election occurring next after the completion of said electric light works erected at the expense of the corporation, the qualified voters of the corporation shall elect said trustees, to be known as "the trustees of the electric light works," who shall hold their office for a term of years corresponding to the number of members constituting said "trustees of electric light works," except that at the first election when said board of trustees is composed of three members, one trustee shall be chosen for one year, one for two years and one for three years, and thereafter one trustee shall be elected annually. When the said board is composed of four members, then at the said first election one trustee shall be chosen for one year, one for two years, one for three years and one for four years; and thereafter one trustee shall be elected annually. When said board is composed of five members, then at said first election one trustee shall be chosen for one year, one for two years, one for three years, one for four years and one for five years, and thereafter one trustee shall be elected annually. Such trustees shall receive such compensation for their services as the council by ordinance shall fix. Said trustees shall qualify by taking the official oath, and each giving a bond acceptable to the council, which bond shall be in sum not less than one thousand dollars, nor more than ten thousand dollars, as shall be determined by council in the ordinance creating the said trustees of electric light works.

SECTION 4. The board may construct electric light works, extend or contract electric light lines, erect poles, wires and lamps, manufacture and sell electric lights and power, collect electric light and power bills, and other money due for electric light and power, prescribe by by-laws the price of electric lights, power and other material sold by it, manage, conduct, and control the electric light works, under such rules and regulations as, by ordinance, the council may prescribe and the manner of using electric lights and power; and to carry into effect the provisions of this section, may also purchase material, machinery and supplies, employ and discharge laborers, appoint officers, purchase or lease the necessary real estate, and erect buildings thereon; and said board shall make monthly reports to the council of the receipts and disbursements of money belonging to the electric light works, and an annual report of the condition of the same; and all money collected for electric light and

power purposes shall be deposited weekly, by the collectors thereof, with the treasurer of the corporation, and one of the receipts therefor shall be deposited with the clerk of such board, and all money so deposited shall be kept as a separate and distinct fund, subject to the order of the board, and all orders drawn by the trustees or board on the treasurer of the corporation, shall be paid out of such fund, and shall be signed by the president of said board and countersigned by the clerk thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

243L

[House Bill No. 707.]

AN ACT

To provide for refunding certain indebtedness in certain counties and to regulate the tax levies thereof.

[BELMONT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties of the state which at the last federal census had, or at any future federal census may have a population of not less than 57,413 nor more than 57,450, all bonds and indebtedness of every character issued or created under the act of April 22, 1890, entitled "An act to authorize the commissioners of Belmont county, Ohio, to improve a certain road and provide for the payment of the cost thereof by a certain tax," including overdrafts, if any, are hereby made chargeable to and made payable out of the road and bridge fund of said counties. It shall be discretionary with the county commissioners of said counties whether they make and levy to meet the principal of all bonds issued under the authority of the act of April 10, 1884, entitled "An act to authorize and require the commissioners of Belmont county to build a court house and jail," or under the act of February 2, 1887, entitled "An act to provide for a sheriff's residence and to complete and furnish the court house and jail of Belmont county," or under the act of April 13, 1893, entitled "An act to authorize the commissioners of any county in the state of Ohio, which at the federal census of 1890 had, or which at any subsequent federal census may have a population of not less than 57,413 nor more than 57,450, to borrow money or to issue and sell bonds to pay the present county and bridge funds indebtedness, and to levy a tax to pay said borrowed money or bonds and interest as same become due," or under any act amendatory or supplementary to any of said acts, and they may instead thereof refund but not increase the same, as they fall due, as now authorized and provided by law, and where refunding bonds are issued or money borrowed to refund any bonds issued under any of said acts, the commissioners may levy taxes to pay said refunded indebtedness, and the interest thereon, but not to exceed the limit already authorized by such act. The commissioners of said counties are hereby authorized and em-

powered to borrow money or issue bonds to pay or refund the present floating indebtedness of said counties, and to make such levies as are necessary to meet the interest and principal of such borrowed money or bonds, as said interest and principal matures. The county commissioners at their June session, annually, in addition to the levies now authorized by section 2823 of the Revised Statutes, may levy on each dollar of valuation of taxable property for general county purposes six-tenths of one mill but in such case the levies for other purposes shall be reduced to the same extent so that the total levies for all purposes shall not exceed the limits now allowed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

244L

[House Bill No. 721.]

AN ACT

To divide Clear Creek township, Fairfield county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Clear Creek township, Fairfield county, Ohio, be and is hereby divided into two election precincts as follows, viz.: All of that portion of said township lying west of a section line running north and south through said township, dividing it into two equal parts, shall be known as the Stoutsville precinct and all of said township laying east of said section line shall be known as the Oakland precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

246L

[House Bill No. 714.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of widening, deepening, enlarging, straightening and improving any navigable water-course; and for the purpose of establishing, constructing and repairing landing-places, wharves, docks and piers, within such city.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class in the state of

Ohio, be and it is hereby authorized to borrow money, in such sum or sums, and at such time or times, as the council shall deem best, not to exceed in the aggregate the sum of five hundred thousand dollars (\$500,000) at a rate of interest not to exceed five (5) per centum per annum, payable semi-annually, for the purpose of widening, deepening, enlarging, straightening and improving any navigable water-course; and for the purpose of establishing, constructing and repairing landing-places, wharves, docks and piers, within such city as the council may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds in such denominations, payable at such time or times and for such amount or amounts, not exceeding in the aggregate the said sum of (\$500,000) as the council may from time to time direct. Said bonds, except as indicated in the foregoing shall in all other respects conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

245L

[House Bill No. 729.]

AN ACT

To authorize cities of the first grade of the first class to improve streets, and the county commissioners to issue bonds and provide funds for such improvements.

[CINCINNATI AND HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That cities of the first grade of the first class, in addition to the powers now given by law, shall have the power to improve any street between definite points within such corporation by grading, setting curbs, paving the roadway with boulders and constructing the necessary culverts, drains and retaining walls, and the mode of procedure shall be as follows:

First—The county commissioners in any county containing such city or cities shall have the power and authority to provide the necessary land for such purpose, and may proceed in the probate court, in the manner pointed out in title 12 of the Revised Statutes for appropriating private property by municipal corporations, to appropriate the necessary land for such streets, and easements for lateral support therefor, or, in case they have already appropriated the necessary land for such streets and easements for lateral support therefor, and have incurred expenses therefor, and have not the necessary funds to pay for such appropriation and expense, such commissioners shall have the power to issue the bonds of such county in a sum not to exceed in the aggregate the sum of one hundred and fifteen thousand (\$115,000) dollars, and at a rate of interest not exceeding four (4) per centum per annum, and thereby to create a fund

to be known as the ".....street fund," inserting the name of the street to be improved, and such fund shall be expended as hereinafter provided for the purpose of paying the condemnation money for such streets and for reimbursing such county for outlays already had, if any, and for improving such streets.

Second—Such cities shall take the necessary steps for improving such streets in the manner provided in title 12 of the Revised Statutes, for improving other streets in such corporations, except that the fund therefor shall be provided as herein above set forth, and the contractor and other necessary expenses for such work shall be paid in the manner hereinafter directed.

Third—It shall be the duty of the county auditor to draw his warrant on the county treasurer for the amount of the condemnation money for such street and also to reimburse the county for outlays made, and for the purpose of paying the contractor and other necessary expenses for such work, he shall likewise draw his warrant on the county treasurer for such amount as the clerk of the board of administration in such cities shall certify to be justly due such contractor, and for such other necessary expenses. And if, on the completion of said improvement, any unexpended balance of said fund shall remain in the county treasury, such balance shall be kept and used for the final extinguishment of said bonds and shall be used for no other purpose whatsoever.

SECTION 2. That the act passed April 13, 1893 (90 O. L., 219), entitled "An act to authorize and direct the board of county commissioners of Hamilton county, Ohio, to extend and construct Court street from Gilbert avenue to Russell street, and to provide a fund therefor, and to repeal an act therein named." And also the act passed April 18, 1892 (89 O. L., 674), entitled "An act to amend an act passed March 31, 1891, entitled 'an act to authorize the county commissioners of Hamilton county, Ohio, to levy a tax for grading, macadamizing, curbing, improving and extending Court street from Gilbert avenue to Russell street in the city of Cincinnati,'" be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

247L

[House Bill No. 753.]

AN ACT

To provide for the superintending and repairs of improved roads, and to repeal an act passed May 9, 1894.

[PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county in this state containing a population of not less than 25,930 nor more than 25,940 at the last federal census in which there has been constructed or may hereafter be constructed any improved road

or roads under and by authority of the statutes known as the two-mile assessment act, that upon the completion of any such improved road or at any time after the completion of such improved road, the board of county commissioners of such county may by resolution duly passed and made of record require the township trustees of the several townships of such county in which any part of any such improved road is located and constructed to take charge of such improved road or roads within their respective townships and provide for the care and keeping in good repair such improved roads.

SECTION 2. The board of trustees of such township or townships are hereby authorized to levy a tax upon all the property of such township or townships for the repair of such improved road, which levy shall not exceed two-tenths (2-10) of one mill in any year, and shall be paid in money, the proceeds thereof to be known as the improved road repair fund, and shall not be paid out for any other than the repairs and superintendence of improved roads.

SECTION 3. The township trustees of any township in such county in which any part of any improved road has been constructed may at their annual meeting in March, or at any or special meeting of the board, designate some suitable person of the township to act as superintendent of improved roads, under whose supervision all repairs of improved roads within his township shall be made, and he shall receive not to exceed one dollar and fifty cents per day for the time actually and necessarily employed, which compensation shall be paid out of the improved road repair fund of the township, such superintendent to act as such during the pleasure of the township trustees for the time being.

SECTION 4. The county commissioners of such county shall at the time of passing their resolution mentioned in section one of this act make a distribution of all the funds then in the county treasury to the credit of the county improved road repair fund, by directing the county auditor to issue his warrant upon the county treasurer payable to the several township treasurers of the county entitled thereto, which amount shall be share and share alike per mile of such improved road within the several townships of such county.

SECTION 5. At any subsequent semi-annual settlement of the county auditor when it shall be found that any money to the credit of the improved road repair fund has been collected the same shall be distributed as indicated in section four of this act.

SECTION 6. The county commissioners upon passing said resolution shall immediately notify the trustees of any such township by written notice to the care of the township clerk, and thereafter such improved roads shall be under the care of the township trustees of such township; provided that the construction or repair of any bridge or culvert upon the line of any such improved road, if the expense of such construction or repair will require an expenditure exceeding the sum of fifty dollars the county commissioners shall cause the same to be done, and shall pay for the same out of the bridge fund of the county, provided that the commissioners shall not be held for such construction or repairs until notified by the trustees of the proper township that such construction or repairs are necessary and that the same will require a greater sum than fifty dollars, and upon such notice from any board of trustees the

county commissioners shall cause such construction or repairs without delay.

SECTION 7. That an act passed May 9, 1894, known as house bill No. 957 be and the same is hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

248L

[House Bill No. 798.]

AN ACT

To authorize the board of education of the Mount Airy village school district, Mt. Airy, Ohio, to issue bonds and levy a tax for purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of Mt. Airy, Mt. Airy, Hamilton county, Ohio, be and is hereby authorized to issue bonds of said school district in amounts not exceeding one thousand five hundred dollars, payable any time the board may direct, not exceeding ten (10) years, the same to bear interest from date of issue at a rate of interest not to exceed six per cent. per annum, payable semi-annually, for the purpose of repairing the school building, and improving the grounds about the same in said school district. Said bonds shall be signed by the president of the board and attested by the clerk.

SECTION 2. For the purpose of paying the said bonds and the interest on the same as they become due, the board of education is hereby authorized to levy a tax on all taxable property in said school district (to be collected the same as other taxes are now collected in said district) not exceeding one and one quarter ($1\frac{1}{4}$) mills, for any time said board may deem necessary not exceeding ten (10) years.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

249L

[House Bill No. 799.]

AN ACT

To authorize the village of Winton Place, in Hamilton county, Ohio, to issue bonds for the purpose of meeting and providing for a deficiency in the general funds of said village and also for the purpose of improving the streets thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Winton Place, in Hamilton county,

Ohio, be and it is hereby authorized to issue the bonds of said village to an amount not exceeding two thousand five hundred dollars for the purpose of meeting and providing for a deficiency in the general funds of said village and also for the purpose of improving the streets thereof.

SECTION 2. Said bonds shall be issued in denominations of not less than one hundred dollars nor more than five hundred dollars, and shall be signed by the mayor of the village and the clerk of the village and shall bear interest at the rate of five per centum per annum, payable semi-annually; principal and interest payable at the fifth national bank of Cincinnati, Ohio. Said bonds shall be payable in twenty years from the date thereof.

SECTION 3. For the payment of the principal and interest of said bonds the council of said village is hereby authorized and required to levy a tax annually upon all the taxable property within the corporate limits of said village, in such amount as will pay the interest as it becomes due and the principal of said bonds at maturity; which levy shall be placed upon the tax duplicate and collected in the same manner as other taxes.

SECTION 4. Before any bonds are issued or tax levied as provided in the preceding sections the question of issuing said bonds shall be submitted to the qualified electors of said village at a general election, or a special election held for that purpose. And whenever the council of said village shall by resolution declare it necessary to issue and sell said bonds, and shall by said resolution fix a date upon which the question of issuing and selling said bonds shall be submitted to the electors of said village, and shall cause a copy of such resolution to be certified to the board of elections of said county, said board shall proceed to prepare for the holding of said election according to law. Such election shall be held at the regular place of holding elections and shall be held as otherwise provided by law. Fifteen days' notice of the submission shall be given by posting a copy of the resolution in three public places in said village and by publishing the same once a week for two consecutive weeks in a newspaper of general circulation in said village; and if a majority of the electors voting at such election upon the question of issuing said bonds, vote in favor thereof, then and not otherwise shall the bonds be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds", and those who vote against the same shall have written or printed on their ballots "Against the issue of bonds."

SECTION 5. The judges and clerks of such election in addition to such certificates of the election as are otherwise required to be made by law shall certify the result of the vote on the question of issuing said bonds to the council of said village.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

250L

[House Bill No. 801.]

AN ACT

To provide for the payment of certain kinds of municipal indebtedness.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any city of the first grade of the first class, and in which city there is, or has been, a duly elected and qualified board of city infirmiry directors charged with the management and control of any city infirmiry, there is presented to the board of administration of such city, if there be such board, and if not, then to the board of directors of such city infirmiry, original warrants that have heretofore been drawn by the board of directors of such city infirmiry, properly signed by the members of such board and duly attested by the clerk of such board, upon the proper accounting officer of such city, and which the bona fide holder or holders of such original warrants, may, by competent proof, under oath, establish to the satisfaction of said board of administration or board of city infirmiry directors as the case may be, were purchased by them in good faith, in the regular course of business and for full value, said board of administration, or said board of city infirmiry directors, if there be such board, shall, if it is deemed necessary, cause the corporation counsel of such city or the city solicitor thereof, to summon by the process of subpoena, the holders and owners of said warrants to testify under oath before such board touching their ownership thereof; and for this purpose power is hereby given to said board by the process of subpoena to compel the attendance of witnesses, to administer oaths and compel the production of books and papers.

SECTION 2. Whenever said board of administration, or said board of infirmiry directors shall, after a full examination and investigation as provided in the preceding section, be satisfied as therein provided, then said board shall by resolution, direct and order the payment of said warrants out of such city infirmiry's portion of the proceeds derived from the "Dow tax" for the year 1896 and succeeding years thereafter until the same shall have been fully paid and discharged; provided that such payments shall not exceed the sum of five thousand (\$5,000) dollars in any one year; and provided further that the aggregate thereof shall not exceed ten thousand (\$10,000) dollars.

SECTION 3. The provisions of section 2699 and section 2702 of the Revised Statutes shall not apply to this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
251L

Passed April 24, 1896.

[House Bill No. 802.]

AN ACT

To authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of constructing, erecting, reconstructing and reerecting market-houses in market spaces in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the board of administration be, and the same is hereby authorized to issue bonds not exceeding sixty thousand dollars (\$60,000) in amount, to raise money for the purpose of constructing, erecting, reconstructing and reerecting market-houses on the market-spaces of such city.

SECTION 2. It shall be lawful for said board of administration of such city to issue, from time to time, bonds in the name of said city, and under the corporate seal thereof, in an amount not to exceed sixty thousand dollars (\$60,000); said bonds to be of such denomination, and to be payable at such time, and bearing interest at such rate, not exceeding four (4) per cent. per annum, as said board of administration may determine; said bonds shall be signed by the president of said board of administration, and by the mayor of the city, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city, and certify the same to the county auditor upon a certificate to that effect from the said board of administration, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Such tax shall be in addition to the amount now authorized to be levied for municipal purposes; provided, however, that whenever in the opinion of the board of administration the revenues derived from the rental of stalls in such market-houses are sufficient to provide a sinking fund for the final redemption of the bonds issued under the provisions of this act, and to pay the interest thereon, in addition to the amounts necessary for their maintenance said board of administration shall have authority to pay to the trustees of the sinking fund of such city out of such revenues the amounts necessary to provide for the payment of such sinking fund and interest, and in such event, no tax shall be levied for such purposes.

SECTION 3. Said board of administration shall receive bids for said bonds, after advertising the same for sale once a week for four consecutive weeks, upon the same day of the week, in some newspaper of general circulation in such city, and shall sell the same for not less than the par value thereof, with accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called "the market-house fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city, and shall be used for no other purpose than that herein designated.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

252L

[House Bill No. 850.]

AN ACT

To authorize the commissioners of Guernsey county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Guernsey county, Ohio, be and they are hereby authorized to transfer twenty thousand (\$20,000) dollars from the children's home fund of said county to the county fund.

SECTION 2. This act shall take effect and be in force on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

253L

[House Bill No. 893.]

AN ACT

To authorize the county commissioners of Ross county to levy a tax for the purpose of constructing, extending, or finishing free turnpikes, and to repair free turnpikes already constructed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Ross county are hereby authorized, when in their judgment the public interests demand it, to cause to be constructed or finished free turnpikes, and to repair free turnpikes already constructed, on or near any state or county road in said county, of such width as in their judgment may seem best, and if the commissioners decide that the public will be benefited by changing the course of any state or county road, they shall proceed to make such change in the manner now prescribed by law for locating and changing state and county roads, and in all other respects in the construction of said roads, they shall proceed in accordance with sections 4770, 4771, 4772 and 4773 of the Revised Statutes; provided, that not more than five thousand dollars shall be expended in any township for the above purpose, and when the same is not sufficient to complete such turnpike road or roads, the commissioners may receive contributions from those interested sufficient to finish the same.

SECTION 2. Before said commissioners shall proceed to let contracts for the construction or finishing, or the repairing of free turnpikes already constructed, in said county, they are hereby authorized, in addition to what they are now by law allowed, to levy an additional tax on all the taxable property of the county, not exceeding the sum of seven thousand five hundred dollars in any one year, for the above purpose, nor shall they let contracts to exceed the amount of the tax levied annually, and the whole amount levied under the provisions of this act shall not in the aggregate exceed the sum of twenty-two thousand five hundred dollars.

SECTION 3. This act [shall] take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

254L

[House Bill No. 919.]

AN ACT

To authorize the board of education of Fremont, Sandusky county, Ohio, to issue bonds to increase school facilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Fremont, Ohio, be and is hereby authorized to issue and sell bonds of said city to the total amount not to exceed eight thousand (\$8,000) dollars for the purpose of enlarging, repairing and furnishing school buildings in said city.

SECTION 2. That for the purpose aforesaid, the said board of education is hereby authorized to issue bonds, not exceeding eight thousand dollars, to be signed by the president and attested by the clerk of said board, of such denominations as said board may by resolution prescribe. Said bonds shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and to be payable at such time or times, not exceeding eight years from the date of issue, as may be determined by said board of education. Said bonds shall not be sold for less than their par value and shall have interest coupons attached.

SECTION 3. Said board of education is hereby authorized and empowered to levy, in addition to the amount already authorized by law to be levied for school purposes, such tax as may be necessary to pay said bonds and interest at maturity.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 24, 1896.

255L

[Senate Bill No. 303.]

AN ACT

Supplementary to an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances, and park driveways, and for the improvement, management, and control of parks, park entrances, and park driveways in cities of the second grade of the first class, passed April 5th, 1893.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That, to provide a further fund to pay the cost and expense of enlarg-

ing the present parks of any city of the second grade of the first class, and for the establishment of such park or parks, park entrances and park driveways as in the opinion of the board of park commissioners of such city from time to time it may be necessary to establish, and for the improvement of the present parks of such city, and the improvement of such park or parks, park entrances and park driveways, either within or without the limits of such city, as may be established and put under the control of said board, and for the improvement of the present parks and all parks, park entrances or park driveways, which said board of park commissioners may from time to time establish, it shall be lawful for said board of park commissioners, by a four-fifths vote of said board, and they are hereby authorized to borrow a fund not exceeding the sum of \$1,000,000 in addition to the fund mentioned and authorized in and by section 10 of an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances and park driveways, and for the improvement, management, and control of parks, park entrances, and park driveways in cities of the second grade of the first class, passed April 5th, 1893, and to issue therefor bonds of such city in the name and under the corporate seal of such city. Said bonds shall be made payable at such time not less than 30 years from the date of their issue, and shall bear interest at such rate, not to exceed four per cent. per annum, as said board of park commissioners shall determine; said bonds shall be signed by the president of the board of park commissioners and the mayor of such city, and be attested by the city auditor of such city, and shall be secured by the pledge of the faith of such city and tax, which it shall be the duty of said board of park commissioners or its successors, annually, to levy on the real and personal property returned on the grand duplicate, sufficient to pay the interest of said bonds and certify the same to the county auditor. Before the maturity of said bonds, the city council of said cities shall also levy a tax upon all of said real estate and personal property sufficient to pay the principal of said bond, and certify the same to the county auditor. Said tax to pay the interest on said bonds and the principal thereof, shall be in addition to the amount now authorized by law to be levied for municipal purposes, and when so certified shall be placed upon the grand duplicate of said city by said county auditor and collected according to law. But said board of park commissioners may decline to pay the cost and expenses aforesaid, or any part thereof, from the issue of bonds aforesaid, and shall not pay the cost and expense, or any part thereof, of appropriating or purchasing any street railway property or franchise from the issue of bonds aforesaid, in which event, such cost and expense or any part thereof not paid from the issue of bonds shall be assessed by said board of park commissioners on the lots and lands abutting on such park, park entrances or park driveways, and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, enlargement or establishment aforesaid, or according to the value of the property assessed, or by the foot front of the property bounded or abutting upon the park, park entrance or park driveways, as said board of park commissioners, before the improvement, enlargement or establishment aforesaid, may determine, in the manner and subject to the restriction provided in subdivision 1, chapter 4, division 7, title 12 of the Revised Statutes of Ohio as to assessments in cities of the second grade of the first class, in the cases mentioned in section 2263 of said Revised

Statutes, except that said board of park commissioners shall have all the authority in reference to parks, park entrances and park driveways therein conferred upon the city council in reference to the improvements therein named.

SECTION 2. Said board of park commissioners shall receive bids for said bonds, from time to time, as they may desire to dispose of them, or any part of them, after advertising them for sale once a week for four consecutive weeks, on the same day of the week, in two newspapers of opposite politics and general circulation in such city, and shall sell the same for not less than par value, to the highest bidder. The money arising from the sale of said bonds shall be placed in the city treasury to the credit of said board of park commissioners, in a fund to be called the "park fund." Warrants drawn upon the city treasurer for payment out of said fund shall be designated on their face, "For purchase of parks, park entrances and park driveways," or "For improvement of parks, park entrances and park driveways," according as they are drawn for—the one purpose or the other—and a careful account of the condition of said fund shall be kept by the city auditor of said city. No part of the funds realized from the sale of said bonds shall be applied to any other purpose than the acquisition of park lands, park entrances and park driveways, and the improvement of such parks, park entrances and park driveways as are now, or hereafter may be, acquired. And no part of said funds shall be applied to the expense of management of any of such parks, park entrances and park driveways, but the expense of management and control of all parks, park entrances and driveways, now or hereafter established, shall be paid from the annual levy which may be authorized for park purposes or from other sources.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
256L

Passed April 27, 1896.

[Senate Bill No. 295.]

AN ACT

To authorize the transfer of funds in the village of Leipsic, Putnam county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Leipsic, Putnam county, Ohio, be and is hereby authorized to transfer one thousand dollars from the street fund and five hundred dollars from the police fund to the fire fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
257L

Passed April 27, 1896.

[Senate Bill No. 294.]

AN ACT

To authorize the village of Athens, Ohio, to borrow money for the purpose of improving its public hall and to construct a village prison therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Athens, Ohio, be and is hereby authorized and empowered to issue and sell bonds of said village, in any sum not exceeding the sum of ten thousand dollars (\$10,000), for the purpose of improving the public hall of said village and constructing a village prison therein.

SECTION 2. Said bonds when issued and sold shall not bear interest at a higher rate than six per centum; interest to be payable semi-annually. Said bonds to be of such denomination as the council shall determine and direct, and all of said bonds shall be made payable at such time and place as said council may prescribe by ordinance, and none of said bonds shall run longer than twenty years from the date thereof. Said bonds shall not be sold at less than par value.

SECTION 3. Said bonds shall be signed by the mayor of the village and attested by its clerk. The proceeds of the sale of said bonds shall be deposited with the treasurer of said village and shall be disposed of under the direction of the council.

SECTION 4. If any of said bonds are assessed as hereinafter provided, it shall be the duty of the council of said village to assess and levy a tax if necessary in addition to that now authorized by law on all the taxable property of said village, sufficient to provide for the payment of the principal and interest of said bonds as the same may become due and payable, and said tax shall be collected as are other taxes on said village.

SECTION 5. Before any bonds are issued or tax levied, as hereinbefore provided, the question of the issue of said bonds shall be submitted to the voters of said village at a general or special election. After giving fifteen days' notice of such election in any paper of general circulation in said village stating the amount of bonds to be issued, the purpose for which said bonds are issued and the time and place for the holding of the election, and if a majority of the voters voting at such election upon the question of issue of said bonds vote in favor thereof, and not otherwise, the bonds shall be issued and the tax levied; those who vote in favor of the issue of said bonds shall have written or printed on their ballots, "For the issue of bonds for city hall improvement;" and those voting against the same shall have written or printed on their ballots the words, "Against the issue of bonds for city hall improvement."

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
258L

Passed April 27, 1896.

[Senate Bill No. 292.]

AN ACT

To amend section one of an act entitled "An act to confer further jurisdiction upon probate courts in certain counties therein named," passed May 19th, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to confer further jurisdiction upon probate courts in certain counties therein named," passed May 19, 1894, be so amended as to read as follows:

SEC. 1. That the probate court in the counties of Licking, Allen, Richland, Perry and Defiance shall have concurrent jurisdiction with the court of common pleas in all proceedings in divorce, alimony, foreclosure and partition, and the probate court in each of said counties shall hold four terms annually for the hearing and trial of such causes, to wit: One term commencing the first Monday in January, one term commencing the first Monday in April, one term commencing the first Monday in July and one term commencing the first Monday in October, provided that litigants shall have as heretofore, the same right of appeal and of error from the probate court, to the circuit court as is allowed now by appeal and error proceedings in similar cases from common pleas court to the circuit court.

SECTION 2. That said original section one of said act be, and it hereby is repealed.

SECTION 3. This act shall take effect and be in force from and after the 9th day of February, A. D. 1897, and in all actions and proceedings of the kinds named in said original section one, then pending undetermined in the probate court of Wood county, the probate judge of said county shall cause a full and true transcript to be made and certified by him, and file the same, together with all the original papers in each of such causes with the clerk of the court of common pleas of said county, and thereupon such cases shall be transferred to said court of common pleas to be thereafter proceeded with in said court to final determination, the same as if originally commenced in said court of common pleas. And for the making and certifying such transcripts the probate judge shall be paid from the county treasury the same fees as are prescribed by law for like services.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
259L

Passed April 27, 1896.

[Senate Bill No. 282.]

AN ACT

To authorize and empower the board of education of the special school district of Columbus Grove, Putnam county, Ohio, to levy a tax for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special school district of Columbus Grove, in Putnam county, be and they are hereby authorized to levy

a tax for the years 1896, 1897, 1898 and 1899, not exceeding two (2) mills on the dollar, annually, on all the taxable property in said special school district, in addition to the levies now authorized by law, for the purpose of furnishing an addition to the school building in said special school district, and to pay a bonded indebtedness about to become due. Said levy shall not be made, until the question shall have first been submitted to a vote of the qualified electors of said special school district, and a majority vote in favor of such levy obtained.

SECTION 2. Said tax to be levied and collected in the same manner as taxes for the common school fund are levied and collected.

SECTION 3. That no part of the funds raised by said levies shall be applied in any other manner, than for the purpose named in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
260L

Passed April 27, 1896.

[Senate Bill No. 275.]

AN ACT

To authorize the board of education of the union school district of the village of Deshler, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the union school district of the village of Deshler, Henry county, Ohio, be and is hereby authorized to transfer from the building fund of said union school district, the sum of thirty-one hundred dollars as follows: To the tuition fund, twenty-six hundred dollars; to the contingent fund, five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
261L

Passed April 27, 1896.

[Senate Bill No. 269.]

AN ACT

To authorize cities of the second grade of the first class to build, erect, maintain and operate garbage crematories, or garbage reduction plants.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the disposition of garbage, offal, dead animals and other refuse matter in any city of the second grade of the first class, any such

city is hereby authorized and empowered to procure, by purchase or by appropriation, the necessary grounds, within or without such city, and to build, erect, maintain and operate thereon, one or more garbage crematories or furnaces, or garbage reduction plants, and to contract, for a period not to exceed ten (10) years, for the collection, removal to, and disposition at, such crematory or crematories, furnace or furnaces, reduction plant or plants, of garbage, offal, dead animals and other refuse matter; or, if in the judgment of the council of any such city it shall be for the best interests of this city not to own and operate any such crematory, furnace or reduction plant, then, and in that event, any such city is hereby authorized and empowered to contract, for a period not to exceed ten (10) years, for the collection, removal and disposition of such garbage, offal, dead animals, and other refuse matter, to be disposed of in such way, and at such place or places, as may be agreed upon. And such collection, removal, and disposition as aforesaid, may be provided for in a single contract, or by several contracts, and said contract may include any or all of said substances, as the council of any such city shall deem best. And in any such contract as is herein last authorized, such city is hereby authorized to stipulate for the right and privilege to purchase, from the contractor, at any time during the continuance of the contract, any or all property, real or personal, used or provided for use by such contractor, in the performance of his contract.

SECTION 2. That for the purpose of providing funds for the payment of any and all expenses and obligations that may be incurred in the exercise of any of the authority and power conferred by the foregoing section, any such city is hereby authorized to borrow not to exceed one hundred thousand dollars (\$100,000) at a rate of interest not to exceed five (5) per cent. per annum, payable semi-annually, and to issue and sell its bonds for the amount of such loan, in such denominations, and payable at such time or times, not to exceed twenty (20) years from their date, as the council may determine. Such bonds, except as provided in the foregoing shall, in all respects, conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of Ohio; and section 2702 of the Revised Statutes of Ohio, and section 73 of an act passed March 16, 1891, to provide a more efficient government for cities of the second grade of the first class, and any other laws now in force relating to the certificate of the city auditor, or to the fact that money is in the treasury shall not apply to contracts made hereunder.

SECTION 3. For the purpose of paying the interest on said bonds, and the further expenses of maintaining and operating such crematories, furnaces, or reduction plants, and to provide a fund for the payment of the principal of said bonds at maturity, said council shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on the property subject to taxation in such city, and such taxes shall be levied and collected in the same manner as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

262L

[House Bill No. 84.]

AN ACT

To repeal an act entitled "An act to create a depository commission in certain cities, and to designate a depository for the funds thereof, and to provide for a treasurer of the school funds of such cities, and for other purposes."

[AKRON AND YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to create a depository commission in certain cities, and to designate a depository for the funds thereof, and to provide for a treasurer of the school funds of such cities, and for other purposes," passed May 21, 1894, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
263L

Passed April 27, 1896.

[House Bill No. 83.]

AN ACT

To repeal an act entitled "An act to require the county commissioners in counties containing certain cities to provide a depository for the county funds, and for other purposes."

[MAHONING AND SUMMIT COUNTIES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to require the county commissioners in counties containing certain cities to provide a depository for the county funds, and for other purposes," passed May 21, 1894, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
264L

Passed April 27, 1896.

[House Bill No. 81.]

AN ACT

To authorize the board of education of any city of the third grade of the first class to levy a tax and issue bonds, the money arising therefrom to be used for the purpose of erecting a high school building.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any city of the third grade of the

first class, be and it is hereby authorized and empowered to issue bonds of said city not exceeding the sum of one hundred and twenty-five thousand dollars (\$125,000) for the purpose of erecting a high school building in said city.

SECTION 2. That for the purpose of meeting the expenses of erecting the aforesaid building, the said board of education is hereby authorized to issue the bonds of said city, to be signed by the president and attested by the clerk of said board of education, in denomination of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000), bearing interest at the rate not exceeding four and one-fourth (4 $\frac{1}{4}$) per centum per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding thirty (30) years from the respective dates thereof, as said board of education may determine, and said bonds shall not be sold for less than their par value and accrued interest, and to be payable at such place as may be determined by said board of education.

SECTION 3. That for the purpose of paying said bonds, and the interest thereon, as the same shall become due, the said board of education is hereby authorized and empowered to levy on all taxable property of said city, a tax for such amount annually not exceeding one-half ($\frac{1}{2}$) mill in addition to taxes now authorized by law to be levied, which levy shall be placed on the duplicate by the auditor of the county containing any such city, and collected as are other taxes, and when collected paid over to the treasurer of said board of education of said city.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
265L

Passed April 27, 1896.

[House Bill No. 976.]

AN ACT

To authorize the council of the city of Greenville, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Greenville, Ohio, be, and the same is hereby, authorized and empowered to transfer any sum not exceeding three thousand dollars from the sinking fund to the waterworks fund of said city.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
266L

Passed April 27, 1896.

[House Bill No. 975.]

AN ACT

To create a special district in Pitt township, Wyandot county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Pitt township, Wyandot county, Ohio, to be known as the Little Sandusky special school district, to wit: For boundary, commencing at the south-west corner of section 11, township 4, south range 14 east, in Pitt township, Wyandot county, Ohio, thence north one mile to the northwest corner of section 11, township 4, south, range 14 east; thence west eighty rods to the south-west corner of east one-half of the south-east one-fourth of section 3; thence north three-quarters of a mile to the center of the north-east quarter of section 3, township 4 south, range 14 east; thence west 80 rods to the south-west corner of the north half of the north-east quarter of section 3; thence north one and one-half miles to the north-west corner of the south half of the south-east quarter of section 27; thence east one-half mile to the north-east corner of the south half of the south-east quarter of section 27; thence 80 rods north to the north-east corner of the south-east quarter of section 27; thence east one and one-quarter miles to the north-east corner of the west half of the south-west one-fourth section 25; thence south one-half mile to the south-east corner of the west half of the south-west one-fourth section 25; thence east three-quarters of a mile to the north-east corner of section 36; thence south along the east line of sections 36, 1, 12, to the south-east corner of section 12 in said township 4 south, range 14 east; thence two miles west along the south line of sections 12 and 11 to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its pro rata share of all the school funds that are placed to the credit of said district for the year commencing September 1, 1895, together with any other fund that may be applicable thereto and duly created according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID 'L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

267L

[House Bill No. 974.]

AN ACT

To authorize the commissioners of Cuyahoga county to transfer to the trustees of townships of Cuyahoga county their respective portions of all moneys by them received from franchises and rentals received from the use of the public highways of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Cuyahoga county are hereby authorized

to transfer to the trustees of the townships of Cuyahoga county their respective portions of all moneys received for franchises and rentals from street railway companies for the use of the public highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
268L

Passed April 27, 1896.

[House Bill No. 969.]

AN ACT

[To] authorize the board of county commissioners of Paulding county, Ohio, to locate and construct a county ditch for the purpose of draining the basin of the upper portion of Sixmile creek, and Bull creek in said county, as hereinafter provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That [the] board of county commissioners of Paulding county, Ohio, are authorized to locate and construct a county ditch upon and along the following route: Commencing at the southeast corner of section six (6), town two (2) north, range two (2) east, Paulding county, Ohio, thence north one mile, thence east two miles, thence north to Bull creek, thence in a northeasterly direction down the line of Bull creek to the northeast corner of the southwest quarter of section twenty-four, town three north, range two (2) east, in said county of Paulding, thence north to the Maumee river and there end, so that said river shall be the outlet of the basin of the upper part of Sixmile and Bull creeks; and said ditch shall be cut deep enough to drain all the territory contiguous to the said line of said ditch.

SECTION 2. That said ditch shall be constructed under and in pursuance of the Revised Statutes of the state of Ohio, and shall be paid for by assessments as is provided by law in such cases made and provided.

SECTION 3. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
269L

Passed April 27, 1896.

[House Bill No. 968.]

AN ACT

To authorize the commissioners of Ashtabula county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ashtabula county be and they are

hereby authorized to transfer the sum of two thousand dollars from the dog tax fund to the bridge fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
270L

Passed April 27, 1896.

[House Bill No. 966.]

AN ACT

To authorize the council of the incorporated village of West Unity, Williams county, Ohio, to issue bonds to build a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of West Unity, Williams county, Ohio, is hereby authorized and empowered to issue bonds not to exceed one thousand dollars (\$1,000) for the purpose of constructing a bridge in said village; said bonds shall be issued in such denominations and payable at such times, not exceeding three years, out of any fund or funds having a surplus in the treasury of said village, as said council may direct; said bonds shall bear interest at six per cent., interest payable annually, and shall not be sold for less than their par value; said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
271L

Passed April 27, 1896.

[House Bill No. 965.]

AN ACT

To authorize and direct the commissioners of Hamilton county to build an iron bridge across the Little Miami river and one across the Mill race, together with the necessary abutments and approaches, and to issue the bonds of the county for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county be and they are hereby authorized to build an iron bridge across the Little Miami river and an iron bridge across the Mill race at points on the Newton and Clough roads in Anderson township, near where said road intersects the Wooster turnpike in Columbia township, and to construct the necessary abutments and approaches thereto.

SECTION 2. For the purpose of raising the money necessary

to meet the expenses of the improvement the commissioners of said county are hereby authorized to issue bonds of the county in an amount not to exceed \$120,000 in all, payable in installments or at intervals, not exceeding in all the period of ten years, bearing interest at the rate of not to exceed four per cent. per annum, payable annually, which bonds shall be sold for not less than their par value.

SECTION 3. For the purpose of paying the principal and interest of all the bonds issued hereunder and the cost of such improvement together with any damage that may be sustained because of said approaches, said commissioners shall in addition to any other taxes provided for by law, assess and collect upon the grand levy of the taxable property of said county on the tax duplicate, for each of the ten several years, after the issue of such bonds, a tax of such portion of a mill on the dollar as will raise a fund sufficient to pay the total amounts due in each of said several years, for the principal and interest of such bonds and the total cost and expense of said improvements, the funds derived from said levies and issues of bonds, shall be credited to the Newton and Clough bridge fund, and shall be exclusively applied to the improvement of said bridges and approaches, and the payment of the principal and interest of all bonds issued as herein provided, and no part of said fund shall be transferred to any other fund, if any balance shall remain after all of said expenses, etc., shall have been paid, the said balance shall be transferred to the interest and sinking fund of the Newton and Clough bridge fund.

SECTION 4. The said county commissioners are hereby given exclusive and complete jurisdiction of the improvement and levy provided for herein and may begin the construction of said bridges and approaches thereto, with full authority to contract for same, at any time from and after the passage of this act, in anticipation of said levy, and said issue of bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
272L

Passed April 27, 1896.

[House Bill No. 964.]

AN ACT

To authorize and empower certain cities to purchase sites for monument structures to the memory of general Anthony Wayne.

[GREENVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the fourth grade of the second class is hereby authorized and empowered to levy a tax upon the taxable property of such city in addition to all other taxes allowed by law, in any sum not exceeding seven thousand dollars, for the purpose of purchasing and preparing a site within the limits of any such city whereon to erect a monument or memorial [structure] to general Anthony Wayne,

Before such levy shall be made, the question of such levy shall be submitted to the qualified voters of said city, at a general or special election to be held at such time as council of said city shall appoint. The tickets voted shall have written or printed thereon the words "Authority to levy tax—Yes," or "Authority to levy tax—No." If the proposition to levy such tax be approved by a majority of those voting upon the proposition, the council shall have authority to levy such tax for the purposes named as provided in this act, but not otherwise. Said taxes shall be levied and collected as other taxes are.

SECTION 2. If it become necessary the said council of any such city is hereby authorized and empowered to cede such site where so purchased or procured to the United States of America or to any officer by it designated.

SECTION 3. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
273L

Passed April 27, 1896.

[House Bill No. 963.]

AN ACT

To create a special school district in Pitt township, Wyandot county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Pitt township, Wyandot county, Ohio, to be known as the Wood special school district, to wit: For boundary, commencing at the centre of south line section 5, township 4 south, range 14 east, in Pitt township, Wyandot county, Ohio, thence north to centre of section 20, township 3 south, range 14 east; thence east to the east line of said section; thence north to the northeast corner of said section; thence east to the northeast corner, west one-half, northwest one-fourth, section 21, township 3, range 14 east; thence south one-half mile to the half section line of said section; thence east one-half mile to the northeast corner of the west one-half, southeast one-fourth said section 21; thence south one-half mile to the south line of said section 21; thence east one-half mile to the northeast corner, west one-half, northwest one-fourth section 27 said township and range; thence south one-half mile to the half section line; thence east 80 rods to the centre of said section 27; thence south one and three-fourths miles to the middle of the east side of the northwest one-fourth section 3, township 4, range 14 east; thence east 80 rods; thence south three-fourths of a mile to the south line of said section 3; thence west along the south line of sections 3, 4 and 5 in said township 4 south, range 14 east to place of beginning.

SECTION 2. Said special school district shall be entitled to receive its pro rata share of all the school funds that are placed to the credit of said township district for the year commencing September 1, 1895, together with any other fund that may be applicable thereto and duly created according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER.
President pro tem. of the Senate.
 274L

Passed April 27, 1896.

[House Bill No. 960.]

AN ACT

To provide for an official stenographer for the county of Preble in the second subdivision of the second judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the judge of the court of common pleas of the second subdivision of the second judicial district, residing in the county of Preble shall, upon the passage of this act, appoint for said county of Preble an official court stenographer who shall be a resident of said county and who shall be furnished with an office and the necessary books and stationery, by the commissioners of said county. That said stenographer shall not during the term of said office, as provided in section 2 of this act, be a partner, clerk or student of any attorney residing or practicing in said county.

SECTION 2. That such stenographer shall hold his office for the term of three years from and after the date of his appointment until his successor be appointed and qualified, unless sooner removed by the court for neglect of duty or misconduct or incompetency. Such stenographer shall, before entering upon the duties of said office, take an oath that he will faithfully discharge the duties of said office. Such stenographer shall receive a salary of \$500 payable quarterly out of the county treasury, which shall be in lieu of all per diem fees in the circuit, common pleas, probate and commissioners' court of said county; and it shall be the duty of the auditor of said county to issue warrants on the treasurer of the county for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official court stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties and the court, to make or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit, common pleas, probate and commissioners' court; and the shorthand notes so taken shall be the property of the county and preserved in the office of such stenographer; provided said stenographer shall give preference to the court of common pleas when in session, unless excused by the judge thereof. It shall also be the duty of such stenographer to make or cause to be made at the request of either party, his attorney or the court, an accurate transcript in longhand notes so taken in the case, or such portion thereof as may be requested, to be paid for if ordered by a party to an action forthwith by the party or parties order-

ing the same, and the cost of such transcript if used on appeal or error, to be taxed in the costs and adjudged as the court may direct, but no transcript of the notes into longhand shall be paid out of the county treasury in any case, unless said transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcript, which certificate shall be a sufficient voucher to the auditor of the county upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without cost, charge or compensation take from the dictation of the court such shorthand notes and transcribe the same as may be required in preparing opinions and in charges to juries.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into longhand in addition to said salary, eight cents per folio of 100 words, and when more than one such transcript shall be ordered at the same time the fee for making such additional transcript, or such portion thereof, shall be one-third the fee allowed for the first copy and shall be paid for in the same manner. In every case reported in said courts there shall be taxed for the first day's services of such stenographer, a fee of \$5, and for each additional day or part of a day's services an additional fee of \$3, to be taxed equally to plaintiff and defendant in each case and collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
275L

Passed April 27, 1896.

[House Bill No. 959.]

AN ACT

To authorize the county commissioners of Muskingum county, Ohio, to abolish all tollgates on the national road, within the limits of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county, Ohio, be and they are hereby authorized to abolish and remove all tollgates on so much of the national road as is situate within the limits of said county, to wit: Extending from the terminus of said national road at the boundary line between Muskingum and Guernsey counties, to the terminus of said national road at the boundary line between the counties of Muskingum and Licking; provided, however, that said county commissioners shall not be held to be authorized, for the purpose of repairing and maintaining said national road, to levy any further or other tax in addition to that now authorized by law.

SECTION 2. If said tollgates shall be so abolished and removed, then the board of county commissioners of said county of Muskingum shall thereafter keep said national road in a good state of repair as a free turnpike. Provided that when said tollgates are abolished by said commissioners all the provisions of section 4904 of the Revised Statutes regulating the burdens and width of tires shall apply to said national road within said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
276L

Passed April 27, 1896.

[House Bill No. 958.]

AN ACT

To authorize the council of any incorporated village in the state of Ohio which contained at the last federal census, 1890, or which may at any subsequent federal census contain a population of not less than 1300 nor more than 1350 to issue bonds and levy a tax for the payment of the same and the interest thereon for the purpose of providing said village with a system of waterworks.

[MT. GILEAD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in the state of Ohio which at the federal census of 1890 contained, or which at any subsequent federal census may contain a population of not less than 1300 nor more than 1350, be and the same is hereby authorized to issue the bonds of said village in a sum not exceeding \$40,000, bearing interest at a rate not exceeding six per cent. per annum from date of issue, payable semi-annually and redeemable at such times as the council may by ordinance prescribe and not more than forty years from date, for the purpose of providing such village with a system of waterworks to be owned by such village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, in denominations not less than \$100 nor more than \$1,000, and shall not be sold at less than their par value.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village only for the purpose of constructing, paying for and maintaining waterworks for such village and the inhabitants thereof.

SECTION 4. That for the purpose of paying said bonds and the interest thereon as the same becomes due, the council of said village is hereby authorized to annually levy a tax on all taxable property of such village in addition to the amount that is now authorized by law, sufficient to meet the payment of said bonds and interest thereon as the same shall become due, which levy shall be placed on the duplicate by the auditor of the county and collected as other taxes, and when collected paid over to the treasurer of said village. All earnings of said waterworks after deducting current expenses shall be paid into the sinking fund and used for the liquidation of said indebtedness.

SECTION 5. Provided, that before said bonds are issued, the village council shall submit the proposition of issuing the same to the qualified electors of such village at a general or special election to be held for such purpose at such time and place in the corporation as the council may determine by resolution. Notice shall be given of the time and place of holding such election in two newspapers of general circulation in such village, and the form of the ballot shall be as follows: Those in favor of the constructing of waterworks and issuing of said bonds shall have written or printed on their ballots "Waterworks—Yes." Those opposed to the construction of waterworks and issuing of said bonds shall have written or printed on their ballots "Waterworks—No." Said ballots shall be provided by the council of said village and the expense therefor and of such election shall be paid by said village. The returns and poll books shall be made by the clerk, who shall return and present the same to the council at the first regular meeting after such election and the result shall be entered upon the minutes of said council, and if it appear that a majority of the ballots cast at such election were in favor of waterworks, then the council shall proceed to issue bonds and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
277L

Passed April 27, 1896.

[House Bill No. 853.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to open and improve an avenue in township 4, Hamilton county, Ohio, to be known as Huron avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, Ohio, be, and they are hereby authorized to open, grade, gravel, macadamize, curb, gutter and improve an avenue to be known as Huron avenue, in Columbia township, Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side of the following described center line: Beginning at a point in the north line of the Cincinnati, Oakley and Madison avenue, in section 33, on the west line thereof, in the southwest corner of lot number 1 of Erdhouse and Cordes' subdivision of lots, as the same appears of record in plat book 3, page 196, of the records of Hamilton county, Ohio, thence northwardly along the west line of lots 1, 6, 7, 14, 15 and 20 of said Erdhouse and Cordes' subdivision, to the right of way of the Cincinnati, Portsmouth and Virginia railroad company.

SECTION 2. The cost and expense of said improvement, together with the interest on any bonds issued by the commissioners for the same, shall be assessed upon and collected from the owners of the lots and lands abutting and fronting on said avenue, and adjacent thereto, to a depth of one hundred and fifty (150) feet, and from the lots and lands within one hundred and fifty feet on each side of said avenue.

SECTION 3. Said commissioners shall immediately appoint three disinterested freeholders of the county, viewers and a competent surveyor, the commissioners shall forthwith notify the viewers and surveyors, of the time and place of their meeting to make the view, and shall also give notice by publication in a newspaper printed in the county, for three consecutive weeks prior to the meeting, which notice shall state the time and place of the meeting and the kind of improvement to be made, the place of beginning of said improvement, the place of termination, and the route thereof.

SECTION 4. The viewers shall, before entering upon their duties, take an oath before a proper officer, to faithfully, honestly and impartially discharge their duties, and shall then proceed to assess and determine the damages sustained by any person through whose premises the improvement is to be made. All persons claiming damages in consequence of the appropriation of any private property in the making of the improvement, shall file a written application with the viewers prior to or at the time of the meeting giving a description of the premises on which damages are claimed by them, and all applications for damages shall be barred unless presented as herein required; and any person feeling aggrieved by the assessment of the damages made, may demand of the commissioners to have the same assessed by a jury, in which case the claimant may appeal to the probate court of the county, and the same proceedings shall there be had as are provided in chapter 4, title 7, part 2, of the Revised Statutes of Ohio. The guardian of any minor, idiot or insane person may act for his ward, and all his acts shall be binding upon his said ward.

SECTION 5. The viewers shall estimate the expense of said improvement, and shall make report in writing, within a reasonable time, to be fixed by the commissioners, of all actions taken by them, which report shall be filed and kept with the county commissioners for inspection by the public.

SECTION 6. For the purpose of raising the money necessary to meet the expense of the improvement, the commissioners are hereby authorized to issue the bonds of the county, payable in installments or at intervals not exceeding in all a period of ten years, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value. The assessment shall be divided in such manner as to meet the payment of the principal and interest of the bonds, to be placed upon the duplicate for taxation against the lots assessed, and collected in the same manner as other taxes, and when collected, the money arising therefrom shall be applied for no other purpose except for the payment of the bonds, with interest, provided that before any action shall be taken by said county commissioners under this act, a petition signed by the owners of a majority of the feet front abutting on said part of said avenue, shall first be filed with them asking for the same.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

278L

[House Bill No. 949.]

AN ACT

To create a special school district in Plain township, Franklin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the special school district known as the New Albany school district, be and the same is hereby extended so as to include all territory within a perfect square whose four sides shall be one mile distant from the intersection of the Columbus and Johnstown pike and Main street within said town of New Albany.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

279L

[House Bill No. 948.]

AN ACT

To authorize the county commissioners of Montgomery county to build a bridge across the Great Miami river, to issue the necessary bonds and levy a tax therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Montgomery county, Ohio, be and they are hereby authorized to construct a bridge across the Great Miami river on the turnpike leading from Dayton to Vandalia and Troy, at the point where the Miami and Montgomery turnpike crosses said river and to construct the necessary approaches thereto.

SECTION 2. For the purpose of providing the funds necessary for building such bridge and the approaches thereto, said county commissioners are hereby authorized and empowered to issue the bonds of said county, not to exceed twelve thousand (\$12,000) dollars, in sums not less than one hundred, nor more than one thousand dollars each, and said bonds shall be payable at such times as said commissioners may deem most advantageous, not exceeding seven years from the date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than their par value, but the interest on said bonds shall not exceed six per centum per annum, and the proceeds of sale of said bonds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. Said bonds shall be signed by the commissioners and countersigned by the auditor of said Montgomery county, Ohio, who shall keep a record of all bonds issued under and by virtue of this act.

SECTION 4. For the purpose of paying the interest and principal of said bonds, said commissioners are hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on all taxable property in said county, sufficient in amount to pay said interest and

principal, and such tax shall be levied and collected in the same manner as other taxes are levied and collected.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
280L

Passed April 27, 1896.

[House Bill No. 947.]

AN ACT

To create road supervisors in certain counties, and to require the letting of certain portions of road work by contract.

[SUMMIT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any county in this state having at the last federal census a population of 54,089, or which at the subsequent federal census may have a population not to exceed 56,000, the trustees of any township may at their regular meeting on the first Monday of March, 1897, divide the respective townships into road districts, not to exceed four in any one township, and at their regular meeting on the first Monday of March, annually thereafter, may make such alterations as they may deem proper, and there shall be elected on the first Monday of April, A. D. 1897, and biennially thereafter, one supervisor for each district by the electors thereof, who shall hold his office for two years and until his successor is elected and qualified; and where the election is in common with a municipal corporation the vote for supervisor shall be taken in a separate ballot-box, furnished by the township trustees for such purpose, and only those electors shall be entitled to vote who reside within the proposed road district. Each supervisor, within five days after his election, shall take an oath or affirmation to faithfully, honestly, and impartially discharge all the duties of his office, and shall enter into bonds payable to the state of Ohio, in trust for the township, in the penal sum of not less than five hundred dollars, with surety to be approved by the township trustees, conditioned to fulfill the requirements of said oath or affirmation; said bonds to be recorded by the township clerk, and when forfeited in whole or in part, to be collected with the costs, by the trustees in a civil action, and money so collected shall go into the road fund of the township, to be expended as other road moneys; provided, however, that in all townships comprised in a single road district, the trustees may direct that [no] election for supervisor be held until the expiration of the term for which the present incumbent was elected.

SECTION 2. If the supervisor of any road district shall, by wilful neglect of duty or malfeasance in office, forfeit his bond or any part thereof, or shall prove incompetent, to properly fulfill the duties of the office, he may be removed by the township trustees, and it shall be the duty of the trustees, on proof of such neglect, malfeasance or incompetence, in a suit brought before a justice of the peace of the township, to

declare the office vacant; and in case of vacancy in the office by any cause, the trustees in the township where such vacancy occurs shall appoint a suitable person to fill the same for the unexpired term, and the person so appointed shall, before entering upon his duties, take an oath or affirmation, give bonds, and be under the same restrictions and penalties provided for in this act.

SECTION 3. The duties of supervisor shall be as follows: To open, or to cause to be opened, all public roads and highways which shall be laid out and established in his district and to maintain the proper legal width and location of the same; to keep the same in good repair and make, from time to time, such permanent improvements by grading, draining, graveling or macadamizing, as the tax for road purposes will warrant; to remove or cause to be removed forthwith, all obstructions that may be found thereon; to complete the work of grading and ordinary repairs between the first day of April and the twentieth day of June of each year, and to complete within a reasonable time after having been commenced all repairs and improvements in a smooth and workmanlike manner, and in good condition for all kinds of public travel and to grade, or cause to be graded and leveled off, the earth and gravel that may be scraped, shoveled or hauled into any public road under his direction or charge at the time such work is performed. And if the owner or owners of land along said public roads and highways shall fail to cut down and destroy all weeds, burrs, bushes and briars growing in the public highways against their lands, before the 15th of August of each year, then the supervisor shall at once proceed to cut down or cause to be cut down and destroy all such weeds, burrs, bushes and briars that may be found standing after the 15th of August of each year, and the same to be paid for out of any road or township funds not otherwise appropriated, and the trustees of said township shall make or furnish a statement of the cost of cutting and destroying said weeds, burrs, bushes and briars and Canada thistles, together with the name of the owner or persons holding the title of the lands along whose roadsides said weeds, burrs, bushes and briars have been cut and destroyed by said supervisors, to the auditor of said county, who shall enter the costs upon the duplicate against the land upon which the weeds, burrs, bushes and briars and Canada thistles have been cut and destroyed, which shall be collected as other taxes and return it with the road fund of said township. But no supervisor shall cut down or molest any of the shade trees growing upon the highways, unless so ordered by the township trustees.

SECTION 4. Supervisors, when directed by the trustees, shall cause to be erected and kept in repair at the principal forks and crossroads within their respective districts leading to some village, depot or other important place, a post and guide board, containing a legible inscription directing the way and naming the distance to the village or public place or places situate on each [side] of such roads, and shall provide and maintain, where feasible and desirable, suitable watering troughs and places for procuring water for persons and animals on the public highways; and shall remove or cause to be removed, timber or drift lodged against bridges or abutments of the same, in a manner to endanger or damage the structure, but it shall not apply to toll-bridges, or bridges upon toll-roads.

SECTION 5. Supervisors shall order out or cause to be ordered out, annually, between the first day of April and the twentieth day of June,

giving two days' notice thereof, every person liable to perform the road tax in his district, to do and perform such labor upon the public highways, but no person shall be required to perform such labor at a distance of more than one and one-half miles from his place of residence, and for the above purpose the residence of any person who has a family, shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards. Any person failing to respond to such order shall forfeit his right to perform the two days' labor.

SECTION 6. Supervisors shall let by contract under written specifications, such portions of public roads for ordinary repairs or for grading, underdraining, graveling or macadamizing, as the trustees shall direct; and the work of ordinary repairs shall be done between the first day of April and the twentieth day of June of each year, except scraping the roads, which may be done at any time when it shall be deemed necessary by the supervisor or trustees, but before letting any contract for grading, underdraining, graveling or macadamizing, any one job of which will, in his judgment, exceed in cost the sum of fifty dollars, he shall make careful estimate of the cost, to be approved by at least two of the township trustees; and if necessary for this purpose, he may employ a competent engineer, and shall advertise the letting of the work at least twenty days, specifying the width, height and pitch of grade, depth and width of gravel or stone to be applied and other necessary particulars and specifications, and let the same to the lowest responsible bidder, taking from him a bond in a sum fixed by them payable to the state, with good sureties for the performance of the work within a time therein specified, and in accordance with full written specifications, a copy of which bond and specifications shall be filed with the township clerk, but no bid shall be accepted which exceeds the estimated cost, and the supervisor may reject any or all bids, and it may be a condition of the contract that persons owing the two days' labor, and whose names are specified therein, may work out the same under the direction of the contractor, such work to be received and accounted for as a part in payment of the contract price. And it also shall be a condition of the contract that persons that pay a road tax or assessment of property, and who may live within one and one-half miles of where the work is to be performed, shall have preference in the employment of labor to complete the contract, and work to be performed at a time agreed upon by the contractor, and at the same rate per day as the contractor pays in cash for similar labor on any such contract, but all such contracts shall be submitted to the township trustees and approved by them.

SECTION 7. Supervisors shall expend the money collected by them in lieu of the two days' labor for the benefit of the roads in their respective districts and shall keep an itemized account in a book of record, to be furnished by the trustees and given over to their successors in office, of all moneys received and paid out by them, and shall report to the trustees of their townships at the annual settlement on the first Monday in March, a detailed statement of their official transactions, including the amount of labor and by whom performed, when and where expended, time and date of their own services, and they shall return a full and true list of the names of all persons within their respective districts who have been ordered out to perform the two days' labor and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this chapter shall be paid by the

justice of the peace or constable collecting the same, into the township road fund, and supervisors shall also render an account to the trustees at the annual settlement, of all moneys that remain in their hands at the time of settlement and all judgments that remain unpaid, with the names of the judgment debtors and the justice before whom such judgments were obtained, with the amount of each, and the trustees shall make such order as to the prosecution of suits by the supervisor against such delinquent as in the judgment of the trustees the interest of the township may require.

SECTION 8. All money that may remain in the hands of the supervisor at the expiration of his term of office, shall be paid over to his successor, with a full statement of all his official transactions from and after the time of his annual settlement with the township trustees, as soon as such successor shall be elected and qualified, taking a receipt therefor, said receipt to be deposited with the township clerk, and said statement shall be made a part of the account rendered by his successor at the next annual settlement with the township trustees and any supervisor may sue out executions on any judgments that remain unpaid, at any time when, in his opinion, the same can be collected.

SECTION 9. The trustees, treasurer and supervisor of roads shall meet annually on the first Monday of March, at the place of holding township meetings, and the trustees shall proceed to examine the itemized account of treasurer and supervisor, and settle the same and all other claims against the township not before settled.

SECTION 10. It shall be the duties of the trustees to purchase improved implements for road making in sufficient quantity for the use of the township, and the same shall be used exclusively for that purpose and the cost, on their order, shall be paid out of any money in the township treasury not otherwise appropriated, and should there be a lack of funds the trustees may levy an additional tax for that purpose, not to exceed one hundred dollars in any one year, and such improved implements shall be for the use of contractors and supervisors in making and repairing roads within the township, and the supervisor shall be held responsible for the good usage of the same, and shall take care of them and preserve them when they are not in use.

SECTION 11. Supervisors, when authorized by the trustees, shall grade sidewalks, and when deemed necessary, to construct foot bridges over streams of water on the line of roads in their districts, and any portion of the two days' labor may be used for this purpose.

SECTION 12. Supervisors shall be entitled to a per diem not to exceed two dollars for each day actually employed, the same to be paid on the order of the trustees out of the road or township fund, and they shall not exceed in expenditures for road purposes in any one year, the amount of road fund for that year except in cases of unforeseen damage by flood or otherwise.

SECTION 13. The township trustees shall, in addition to the two days' labor, determine a per centum to be levied for road purposes upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: In townships having a valuation of taxable property of one million dollars and over, not exceeding three mills on each dollar; in townships having a valuation of less than one million and more than five hundred thousand dollars, any rate not exceeding four mills on each dollar; and in townships having less

than five hundred thousand dollars' valuation, any rate not exceeding five mills on each dollar; and said trustees shall certify the same to the county auditor in writing on or before the 15th day of May of each year; and the county auditor shall assess the same on all the taxable property in said township road district, and the same shall be collected, one-half in the December instalment and one-half in the June instalment by the county treasurer, and paid over by him to the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township road districts where collected; and said trustees shall annually set apart such portion of the road tax as they deem best in payment of contracts for permanent improvement of the roads by draining, grading, graveling, or macadamizing.

SECTION 14. This act shall take effect and be enforced from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
281L

Passed April 27, 1896.

[House Bill No. 946.]

AN ACT

To authorize the village council of the village of Gibsonburg, Sandusky county, Ohio, to issue the bonds of said village for the purpose of erecting or purchasing waterworks and supplying water to the corporation and inhabitants thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Gibsonburg, Sandusky county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding \$30,000, bearing interest at a rate not exceeding 6 per centum per annum payable semi-annually, for the purpose of erecting or purchasing water-works and supplying water to the incorporation and the inhabitants thereof.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk. Said bonds shall not be sold for less than their par value, and shall be issued in such amounts and payable at such times and places as the village council may determine not exceeding fifteen years from the date of their issue. Said village council is hereby authorized to levy a tax upon all the taxable property of said village in addition to the amount now authorized by law sufficient to pay the interest and principal of said bonds as the same becomes due.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
282L

Passed April 27, 1896.

[House Bill No. 945.]

AN ACT

To refund money paid illegally by certain tax-payers of Monroe township, Preble county, Ohio.

WHEREAS, There is now in the hands of the treasurer of Monroe township, Preble county, Ohio, the sum of one hundred and seventy-six dollars, which has been paid into the county treasury of Preble county by parties interested in the Harter's improvement road of said township, and which same was paid back to the treasurer of said township under section 4848 of the Revised Statutes, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township be and they are hereby empowered to refund to said parties interested in the Harter improved road, said sum in the proportion of their respective assessments in said road.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
283L

Passed April 27, 1896.

[House Bill No. 943.]

AN ACT

To authorize the trustees of Hale township, Hardin county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Hale township, Hardin county, Ohio, be and the same are hereby authorized to transfer the sum of \$200 from the poor fund to the road fund, and \$200 from the poor fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
284L

Passed April 27, 1896.

[House Bill No. 942.]

AN ACT

For the creation of a special school district out of the territory of sub-district No. 2 of Roundhead township, Hardin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprising sub-district No. 2 of Roundhead township, Hardin county, Ohio, be and the same is hereby made a spe-

cial school district to be known as Roundhead special school district of Roundhead township, Hardin county, Ohio.

SECTION 2. All of the school property situated within said territory shall be the property of said special school district.

SECTION 3. Said special school district shall be entitled to receive its proportionate share of school funds and the funds levied for contingent expenses in accordance with the enumeration for the year 1895, of the children who are entitled to attend school; said funds being now collected within the county and township treasury, or which may be collected, and shall in all respects be governed by such laws as are now or may hereafter be enforced relating to special school districts.

SECTION 4. The board of education of said special school district be and are hereby authorized to issue and sell the bonds of said special school district in any sum not exceeding \$5,000, for the purpose of purchasing a site and erecting a school building thereon. Such board of education may issue such bonds at a rate of interest not exceeding six per centum per annum, and for such length of time, not exceeding five years as by resolution they may determine. And they are hereby authorized to make such additional levy upon the taxable property of said district as will be necessary to meet the payment of the principal and interest of said bonds as the same become due.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
285L

Passed April 27, 1896.

[House Bill No. 941.]

AN ACT

To confer further jurisdiction upon the probate court in any county in this state, which at the last federal census had a population of not less than twenty-two thousand three hundred and five, and not more than twenty-two thousand three hundred and fifteen.

[FAYETTE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county in the state of Ohio, which at the last federal census had a population of not less than twenty-two thousand three hundred and five, and not more than twenty-two thousand three hundred and fifteen, the probate court shall have jurisdiction concurrent with the court of common pleas in all actions, (1) for the partition of real property, and (2) for the sale of real or personal property under a mortgage, lien or other incumbrance, with the same jurisdiction as the court of common pleas to determine all questions, whether legal or equitable, that may arise in reference to said property, and (3) for divorce and alimony, and for alimony alone and custody of children.

SECTION 2. The judge of said court shall be allowed as compensation for the hearing of any such proceedings the sum of two dollars in each case, and for his clerical services therein, such fees as are provided

by law for the clerk of the court of common pleas in similar cases, to be taxed as costs in each case; and all appeals taken from the decisions of said probate court, and all petitions in error to reverse the decisions of said probate court rendered in said actions or proceedings, shall be filed in the circuit court in the county in which said probate court is located, and said circuit court shall have jurisdiction to hear and decide said appeals and petitions in error.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
286L

Passed April 27, 1896.

[House Bill No. 940.]

AN ACT

To authorize the board of education of Neville special school district, Clermont county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Neville special school district, Clermont county, Ohio, be and the same is hereby authorized and empowered to levy an additional tax for the year 1896 on all the taxable property within said special school district, not to exceed two (2) mills on the dollar, in addition to the levy now authorized by law, the same to be collected as other taxes for the purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness, as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
287L

Passed April 27, 1896.

[House Bill No. 939.]

AN ACT

To repeal an act entitled "An act to create a special school district in Batavia and Union townships, Clermont county, Ohio," passed May 18, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to create a special school district in Batavia and Union townships, Clermont county, Ohio," passed May 18, 1894, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.
 288L

Passed April 27, 1896.

[House Bill No. 938.]

AN ACT

To authorize the village of St. Clairsville, Ohio, to repair, rebuild or make more efficient an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of St. Clairsville, Belmont county, Ohio, be and said council is authorized to borrow money and issue the bonds of said village for the payment thereof, not exceeding five thousand dollars (\$5,000), and to use the proceeds thereof in repairing and making more efficient the electric light plant now owned by said village. Provided, however, that before any bonds shall be issued or any debt contracted for the purpose aforesaid the question of making such repairs and improvements shall be submitted to a vote of the qualified electors of said village at an election to be held therein on a day to be named by said council, for which previous notice for ten days shall be given by the council. If at such election a majority vote for such repairs and improvements the debt may be contracted and the bonds issued, but not otherwise. The election shall be by ballot and those in favor of such repairs and improvements shall indorse on their ballots "For issue of bonds," and those opposed "Against the issue of bonds."

SECTION 2. The bonds shall be payable at such times as the council shall direct, and shall not be sold for less than their face value, and shall bear interest not to exceed six per centum per annum, payable semi-annually, and the council shall each year thereafter levy a tax sufficient to pay the principal and interest as the same shall become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 289L.

Passed April 27, 1896.

[House Bill No. 937.]

AN ACT

To authorize the trustees of Madison township, Clark county, Ohio, to transfer funds, and to purchase a site and erect a building for a voting place thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Madison township, Clark county, Ohio, be and they are hereby authorized to transfer five hundred dollars from the

poor fund, and one hundred dollars from the general fund, to the voting place fund for Selma precinct, and said trustees out of said voting place fund are further authorized to purchase a site in the village of Selma in said precinct, and to erect a building thereon to be used for a voting place for said precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

290L

[House Bill No. 934.]

AN ACT

To authorize the village council of the village of Jackson Center, Shelby county, Ohio, to borrow money and issue bonds for the purpose of providing for the improvement of streets and for the purpose of providing better fire protection in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Jackson Center, Shelby county, Ohio, be and said council is hereby authorized to borrow money and issue bonds therefor, in any sum not exceeding three thousand dollars (\$3,000) for the purpose of improving the streets and for the purpose of providing better fire protection in said village.

SECTION 2. Such bonds shall be issued by the council of said village in denominations of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) payable at such times not exceeding ten years from the date of said bonds, as the council shall provide; such bonds to draw interest not exceeding six per centum per annum, payable semi-annually and at such place as said council may determine. Said bonds shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value.

SECTION 3. The council of said village is authorized and required to levy a tax, annually in addition to those now authorized by law, on the taxable property of said village, in such amount as will each year be sufficient to pay principal and interest on the said bonds as they may become due and payable by the terms thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

291L

[House Bill No. 930.]

AN ACT

To amend section 2 of an act entitled "An act to authorize the county commissioners of Sandusky county, Ohio, to issue bonds for the purpose of meeting and providing for a deficiency in the several funds of said county," passed March 13, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2, of an act, entitled an act, "To authorize the county commissioners of Sandusky county, Ohio, to issue bonds for the purpose of meeting and providing for a deficiency in the several funds of said county," passed March 13, 1894, be amended so as to read as follows:

SEC. 2. The proceeds arising from the sale of said bonds shall be paid into the county treasury, and the county commissioners and auditor of said county are hereby constituted a board and authorized to apportion the said money among the several funds of said county in proportion to the requirements thereof, and to provide for the payment of the interest on said bonds, and for their final redemption, the commissioners of said county are hereby authorized to levy annually a tax on all the taxable property of said county, in addition to the rate of taxes now authorized by law, sufficient to provide for the payment of said interest due and accruing on said bonds, and the principal of said bonds as they fall due, until such time as the principal and interest of the said bonds are fully paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

292L

[House Bill No. 929.]

AN ACT

To authorize the Mount Blanchard special school district to elect members of the board of education.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Mount Blanchard special school district be and is hereby authorized to elect on the first Monday of April, 1897, four members of said board as follows: Two persons for the term of one year and two persons for the term of two years.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

293L

[House Bill No. 928.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of the incorporated village of Glouster, Athens county, Ohio, be and the same is hereby authorized to transfer from the poor fund of said village \$800, from the fire fund of said village \$200, and from the corporation fund of said village \$200 to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

294L

[House Bill No. 927.]

AN ACT

To change a county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a part of the boundary line between Knox and Holmes be changed so as to run as follows to wit: Commencing on the said boundary line at the southwest corner of township 8, of range 9, in Holmes county and running thence north $49\frac{3}{4}$ degrees east 20 rods, thence north 45 degrees east 56 rods, thence north 28 degrees east 58.56 rods, thence north $14\frac{1}{4}$ degrees east 22.60 rods, thence north 6 degrees west 22 rods, thence north 35.60 rods, thence north $9\frac{1}{2}$ degrees east 44 rods, thence west 8 degrees north 83 rods to said original boundary line.

SECTION 2. The proposition to change the boundary line between said counties as above provided shall be submitted to the qualified electors of said counties at the next annual election to be held on the Tuesday after the first Monday of November, 1896, and the proper officers shall cause said question to be printed on all the ballots below the list of candidates for office, with a blank space on the left of each question in which to give each elector opportunity to designate his choice by a cross mark as follows: "Change of county line—Yes," "Change of county line—No." If a majority of all votes cast in each county shall be in favor of changing the county line then the boundary between said counties shall hereafter be established as in section one of this act, and the lands changed hereby shall be transferred to the duplicate of the county in which they may become situate.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

295L

[House Bill No. 925.]

AN ACT

To authorize the board of county commissioners of Butler county, Ohio, to levy a tax for clearing out a ditch in Fairfield and Union townships, Butler county, Ohio, and known as the Big Pond ditch or drain.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Butler county, be and they are hereby authorized to levy a tax of twelve thousand dollars (\$12,000) at the next June session, upon all the taxable property of Butler county, Ohio, for the purpose of clearing out, widening and deepening said main ditch or drain, known as the "Big Pond ditch" or "drain," in said township aforesaid; and when said tax shall have been collected, to expend the same in so cleaning and deepening and widening said main ditch or drain, known as "Big Pond ditch" or "drain," under the directions of a competent engineer to be employed by said board of county commissioners of Butler county, Ohio, for that purpose; said engineer to be paid out of the tax so collected, and the work to be done in cleaning out and widening and deepening said main ditch or drain to be paid out of said tax. Said county commissioners to advertise for bids for the doing of said work as is provided by law for letting of public work, and to award the contract for so cleaning out, widening and deepening said ditch or drain to the lowest responsible bidder.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
296L

Passed April 27, 1896.

[House Bill No. 924.]

AN ACT

To authorize the board of county commissioners of Butler county, Ohio, to levy a tax and issue bonds for remodeling, repairing and improving the county jail of Butler county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Butler county, Ohio, be and they are hereby authorized to expend the sum of fifteen thousand (\$15,000) dollars remodeling, repairing and improving said jail and to levy a tax for that amount upon all the taxable property of Butler county, Ohio, for that purpose.

SECTION 2. Said board of county commissioners of Butler county, Ohio, are hereby authorized to issue the bonds of Butler county, Ohio, for the sum of fifteen thousand dollars, in denominations not exceeding five hundred dollars each, payable to bearer at the treasurer's office of Butler county, Ohio, one-third thereof payable in three years, one-third payable in five years and one-third payable in seven years from the date thereof, to bear interest payable annually at the rate of six per cent. per annum, and to sell said bonds as provided by law, and to

apply the proceeds of said bonds in payment for the remodeling, repairing and improvement of the Butler county, Ohio, jail; and if any part of the proceeds of the sale of said bonds be not needed for the purpose aforesaid, said board of county commissioners shall cover the same back into the county treasury to be credited to the county fund of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

297L

[House Bill No. 920.]

AN ACT

To provide an official stenographer for certain counties therein named.

[SANDUSKY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a population of not less than 30,600 and not more than 30,620 by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas of said county, or a judge thereof in vacation, may appoint one official stenographer for such county, who shall hold such office for a term of one year from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office, and shall receive a salary of five hundred dollars per annum, to be paid in equal monthly instalments out of the general fund of said county upon the warrants of the county auditor of such county, who shall issue his warrant therefor on the treasury for the payment of said salary when there is filed in his office a certified copy of the journal entry of such appointment. It shall be the duty of said stenographer, unless the same be waived by the parties and the court, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in course of the trial or hearing in all contested cases, and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct, and at the direction of the court shall perform the same services before a referee or master appointed by the court. In all cases or proceedings held or tried in the circuit, common pleas and probate courts such stenographic notes to be the property of the county and filed and preserved in the office of such stenographer, and the court shall not be required to reduce to writing its charge to the jury in any case in which such notes shall be taken of the charge, when a transcript in longhand shall be made out, and may be taken by the jury in their retirement and returned with their verdict into court. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party or his attorney or the court, an accurate transcript into longhand of the notes or such part thereof so taken in any case or proceeding, to be paid for forthwith

by the party ordering the same; except the charge to the jury and the refusal to charge shall be forthwith transcribed and filed with the clerk of the court without expense; but no such transcript of the notes in long-hand shall be paid for out of the treasury in any case unless such transcript shall be first ordered by the judge trying the case for his own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case the bill therefor shall be approved by the court before whom said case was heard or tried. Such stenographer shall without extra compensation also take down from the dictation of the court such shorthand notes as may be required by the court in preparing opinions or charges to juries.

SECTION 2. Such stenographer shall receive for making any such transcripts of said notes in longhand, five cents per folio of one hundred words, except when more than one such transcript shall be ordered at the same time, the fee for any such additional transcript shall be two cents per folio of one hundred words, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them, and in every case where such stenographic notes are taken there shall be taxed for each day's service of said stenographer in so taking said notes, a fee of two dollars, to be collected as other costs in the case, and when so collected shall be paid quarterly into the county treasury by the clerk of such court.

SECTION 3. The commissioners shall provide such stenographer with an office in the court house of the county, together with a place therein for filing away the stenographic notes so taken, and shall also provide the necessary stationery for the use of said stenographer.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
298L

Passed April 27, 1896.

[House Bill No. 918.]

AN ACT

To provide for the construction of waterworks and electric light plants in the village of New Holland, Pickaway county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of New Holland, in Pickaway county, Ohio, be and the same is hereby authorized to issue the bonds of the said village not to exceed the sum of twenty thousand (\$20,000) dollars, for the purpose of constructing waterworks and electric light plants, in and for said village, one or both.

SECTION 2. That said bonds shall be issued in such denominations, and for such length of time, not exceeding twenty years, as said village council may determine, and shall be signed by the president of of the village council and attested by the clerk thereof who shall keep a record of the same. Said bonds shall bear interest at a rate not exceeding six per cent. (6) per annum, payable semi-annually, and shall be sold

as provided by law. The principal and interest of said bonds shall be paid from the money raised by levies which said village council is hereby authorized to make for the payment of said bonds and interest.

SECTION 3. That before said bonds are issued as herein provided the said village council shall submit to the qualified electors of the said village, at a general or special election of which ten days' notice shall be given by publication in not less than two newspapers of opposite politics and of general circulation in said village, the proposition to construct waterworks and electric light plants, one or both. At said election those voting in favor of the proposition, shall have printed or written on their ballots the words, "Waterworks and electric light plants—Yes," and those voting against the proposition shall have printed or written on their ballots the words, "Waterworks and electric light plants—No." If the majority of the votes upon the proposition shall be in the affirmative, then said bonds may be issued and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
299L

Passed April 27, 1896.

[House Bill No. 915.]

AN ACT

To provide for additional compensation for county treasurers in certain counties.

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county in which a city of the second grade of the second class may be located, and in which the county auditor shall prepare a special tax list and duplicate of special assessments certified to be placed upon the duplicate against real estate in such city for the costs and expenses of street paving or sewer improvements therein, the county treasurer for his services in placing such special assessments upon the tax receipts shall be allowed, in addition to other compensation provided for him by law, in each year an amount not in excess of one per cent of the entire instalments of such assessments for such year, as may be allowed by the board of city affairs of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate.
300L

Passed April 27, 1896.

[House Bill No. 913.]

AN ACT

To authorize the trustees of Le Roy township, Lake county, Ohio, to settle and pay a claim of the estate of Rodney Prentis, against said township.

WHEREAS, Rodney Prentis, late of said township, while serving as supervisor of highways, and acting under the direction of the trustees of said township, caused certain parties to be arrested for leaving dead animals unburied near the highway, to the annoyance and discomfort of the public and detriment of the public health.

WHEREAS, Afterward one of said parties instituted a civil action against said Prentis, in the court of common pleas of Lake county, for alleged malicious prosecution, whereby said Prentis was put to a great expense in defending said cause, and while said action finally terminated in favor of said Prentis, he was, by reason of the insolvency of the plaintiff, compelled to pay a large amount of costs of court, in addition to attorney fees to his counsel, and

WHEREAS, Said Prentis has since died, leaving but a small estate to his widow, and with a part of the costs and expenses of said suit still unpaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Le Roy township, Lake county, Ohio, be and they are hereby authorized and empowered to settle with and pay the legal representatives of the estate of Rodney Prentis (deceased) in settlement of the claim as aforesaid, such amount as they shall deem just and reasonable, but not to exceed the sum of four hundred (\$400) dollars.

SECTION 2. Before any money shall be paid as provided in section one of this act, the question shall be submitted to a vote of the qualified electors of said township at any regular April election, at least ten (10) days' notice of which shall be given by the trustees in the same manner that they are required to give notice of township elections. Those voting in favor of paying said claim shall have written or printed on their ballots, "To reimburse Rodney Prentis estate—Yes." Those opposed shall have written or printed on their ballots, "To reimburse Rodney Prentis estate—No." And if a majority of all the votes cast on such proposition shall be in favor of paying the same then and not otherwise shall the trustees be authorized to reimburse said estate from any funds in the treasury subject to their order.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

301L

[House Bill No. 912.]

AN ACT

To release Chris. Holl and the sureties on his official bond as treasurer of the village of Logan, Hocking county, Ohio.

WHEREAS, Chris Holl was duly appointed to succeed, and gave the necessary bond according to law, as treasurer of the village of Logan, Hocking county, Ohio, to serve for the unexpired term beginning in April, 1892, that his predecessor had, with the knowledge and consent of said village, deposited the funds of his office in the Peoples' bank of Logan, Ohio, which up to the time of its failure was generally considered a safe and reliable banking institution, that after his appointment and qualification the bank accounts of his predecessor were transferred to him, and that soon thereafter said bank failed and there was lost to said Chris Holl as such treasurer, the sum of \$1,326.96, that said Holl has honestly and faithfully discharged his duties as such treasurer and said sum was lost by no fault or negligence on his part,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Chris Holl and the sureties on his official bond as treasurer aforesaid, be and they are hereby relieved and released from the payment of said sum of \$1,326.96 so lost in said bank.

SECTION 2. Provided, that the council of said village of Logan, Ohio, shall after ten days notice, given by written or printed notices, posted in five public places of said village, at some special election held for that purpose or at any general election, submit to the qualified electors of said village, said proposition to release said Chris Holl and the sureties on his official bond as aforesaid, provided further that a majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Those in favor of such release shall have written or printed upon their ballots "Release of treasurer's sureties—Yes." Those opposed, "Release of treasurer's sureties—No."

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

302L

[House Bill No. 910.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, are hereby authorized to extend, widen and improve by grading Andrew avenue, in section 27, Columbia township, Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side of the

following described center line, beginning at a point in the north line of Erie avenue, three hundred and eighteen and sixty one-hundredths (318.60) feet eastward from the east intersection of Shaw avenue and Erie avenue; thence northwardly on a line parallel with said Shaw avenue, two thousand, nine hundred and fifty (2,950) feet, more or less to the Madison road, provided that before any action is taken hereunder, there shall be filed with said county commissioners, a petition for said improvement, signed by the owners representing a majority of the square feet of the lots and lands to be assessed.

SECTION 2. The cost and expense of said improvement, together with the interest on any bonds issued by the commissioners for the same, shall be assessed upon and collected from the owners of the lots and lands abutting and fronting on said avenue, and adjacent thereto, to a depth of one hundred and fifty (150) feet, and from the lots and lands within one hundred and fifty feet on each side of said avenue.

SECTION 3. Said commissioners shall appoint three disinterested freeholders of the county, viewers, and a competent surveyor. The commissioners shall forthwith notify the viewers and the surveyor of the time and place of their meeting to make the view, and shall also give notice by publication in a newspaper printed in the county, for three consecutive weeks prior to the meeting, which notice shall state the time and place of the meeting and the kind of improvement to be made, the place of beginning of said improvement, and the place of termination, and the route thereof.

SECTION 4. The viewers shall, before entering upon their duties, take an oath before a proper officer to faithfully, honestly and impartially discharge their duties, and shall then proceed to assess and determine the damages sustained by any person through whose premises the improvement is to be made. All persons claiming damages in consequence of the appropriation of any private property in the making of the improvement, shall file a written application with the viewers, prior to or at the time of the meeting, giving a description of the premises on which damages are claimed by them, and all applications for damages shall be barred, unless presented as herein required; and any person feeling aggrieved by the assessment of damages made, may demand of the commissioners to have the same assessed by a jury, in which case the claimant may appeal to the probate court, of the county, and the same proceedings shall there be had as are provided in chapter 4, title 7, part 2, of the Revised Statutes of Ohio. The guardian of any minor, idiot or insane person may act for his ward, and all his acts shall be binding upon his said ward.

SECTION 5. The viewers shall estimate the expense of said improvement, and shall make report in writing, within a reasonable time, to be fixed by the commissioners, of all actions taken by them which report shall be filed and kept with the county commissioners for inspection by the public.

SECTION 6. For the purpose of raising the money necessary to meet the expense of the improvement, the commissioners are hereby authorized to issue the bonds of the county, payable in instalments or at intervals not exceeding in all a period of ten years, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value. The assessment

shall be divided in such manner as to meet the payment of the principal and interest on the bonds, to be placed upon the duplicate for taxation against the lots assessed and collected in the same manner as other taxes, and when collected the money arising therefrom shall be applied to no other purpose except for the payment of the bonds and interest.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
303L

Passed April 27, 1896.

[House Bill No. 907.]

AN ACT

To provide for the establishment and maintenance of a public morgue for the city of Cleveland and Cuyahoga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county be and they are hereby authorized to purchase a site for and erect a public morgue for the joint use of the city of Cleveland and the county of Cuyahoga, at an expense not to exceed \$40,000, and shall provide for the maintenance of the same out of any moneys in the general fund, provided, however, that no special tax shall be levied for the construction of the same, but shall be paid out of any fund not otherwise appropriated. That the county coroner shall have charge of said morgue and it shall be the duty of said coroner to see that all dead bodies brought to said morgue are properly kept and preserved until identified or claimed for burial and he shall collect from the friends or relatives of any person whose dead body was found within his county and which was caused to be kept and preserved as aforesaid, and who at the time of his or her said death was not a bona fide resident of said county, a sum not to exceed \$10, which sum shall be by said coroner turned over to the county treasurer of said county to be credited to the fund out of which said morgue is maintained. The coroner of said county shall before turning over dead bodies, as provided by section 3763 of the Revised Statutes of Ohio, cause such bodies to be photographed, and together with any other means of identification of said body shall cause the same to be preserved with the record of said death.

SECTION 2. That the act of May 1, 1891, entitled "An act to provide for the establishment and maintenance of a morgue for the city of Cleveland and county of Cuyahoga," be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
304L

Passed April 27, 1896.

[House Bill No. 900.]

AN ACT

To authorize and empower the trustees of Marion township, Allen county, Ohio, to sell and convey certain real estate therein described.

WHEREAS, The township of Marion, in the county of Allen, is the owner in fee simple of the real estate described as follows, to wit: Commencing at a point twenty-two (22) feet, south, from the northeast corner of inlot number eighty-two (82), in the village of Delphos, in the county of Allen and in the state of Ohio; running thence west one hundred and thirty-two feet, to the west line of said lot; running thence south twenty-two (22) feet on said west line of said lot; running thence east one hundred and thirty-two (132) feet, to the east line of said lot; running thence north on said east line of said inlot, twenty-two (22) feet to the place of beginning; and

WHEREAS, Horace A. Reeve, of Delphos, Ohio, has offered the trustees of said township of Marion the sum of four hundred dollars for said premises; and

WHEREAS, In the judgment of the trustees of said township, said sum of four hundred dollars is a fair price for said premises, and said township having no use for said premises the best interests of said township will be subserved by converting said real estate into money; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Perry Heidlebaugh, Joseph Hounhorst and Jeremiah Grady, the duly elected, qualified and acting trustees of said township of Marion be and they are hereby authorized and empowered to sell and convey the above described premises to the said Horace A. Reeve, for the said consideration of \$400, and to make, execute and deliver to said Horace A. Reeve, a good and sufficient deed of general warranty, in fee simple, of said premises.

SECTION 2. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
305L

Passed April 27, 1896.

[House Bill No. 803.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Dickson avenue (Frank street).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, be and are hereby authorized to widen, extend and improve, by grading, macadamizing, graveling, guttering, curbing and placing cement sidewalks on both sides of said Dickson avenue four (4) feet wide. Frank street, to be hereafter known as Dickson avenue, in section 10, Millcreek township, Hamilton

county, Ohio, along the following route, viz: To widen five (5) feet in width on each side of said Frank street, beginning at the south end of the same at its intersection with Clinton Springs avenue; thence to the north end of the same and from said north end thence at right angles to Mitchell avenue, to extend said avenue or street sixty (60) feet in width to Mitchell avenue. The distance between the curbs of said avenue shall not exceed thirty (30) feet in width. In establishing the grade of said Dickson avenue, said commissioners are hereby instructed not to have the grade, or any part of it, in excess of five and twenty hundredths (5 20-100) feet to the hundred (100) feet. But before said avenue shall be improved as herein specified, a petition of the owners of more than one-half of the feet front of the lots and lands abutting on said avenue shall be filed with the commissioners of said county, requesting the said improvements of the same. But also before said avenue shall be improved, as herein specified, a dedication by the owners of all the land necessary to make said avenue sixty (60) feet wide, shall have been made and presented to said commissioners with said petition, and said dedication shall be free of any cost, and for public use forever.

SECTION 2. All the cost and expense of making such improvements on said Dickson avenue, being said Frank street, widened and extended as herein, together with the interest on any bonds issued by the said commissioners for the same, shall be levied and assessed upon the owners of the lots and land abutting on each side of said avenue to be improved, to a depth of one hundred and fifty (150) feet. Said assessments shall be payable in 10 annual payments, and the option of paying his or her portion of such assessment in full within a period of twenty (20) days from the date of the levy thereon shall be given to each of the property owners. But no notice to the property owners of such option shall be necessary. Said assessment shall be certified to the county auditor, and the same shall be placed on the tax list, and shall be collected by the county treasurer in the same manner as other taxes are collected; and all moneys received by the county treasurer on such assessment shall be applied to the payment of the bonds issued under this act and for no other purpose; and for the purpose of enforcing the collection of the payment, the county treasurer shall have the same power and authority as now allowed by law for the collection of state and county taxes.

SECTION 3. For the purpose of raising the money necessary to meet the expenses of said improvements, the commissioners of Hamilton county, Ohio, are hereby authorized to issue the bonds of the county, payable in installments or at intervals not exceeding the period of ten (10) years, bearing interest at the rate of five (5) per cent. per annum, which bonds shall not be sold for less than their par value.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate.
306L

Passed April 27, 1896.

[House Bill No. 804.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to improve a part of Delta avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, be and they are hereby authorized to improve the part of Delta avenue extending from the Linwood road to Observatory avenue, a distance of about 3,000 feet, more or less, by grading the same to its full width of 75 feet, and by macadamizing the roadway.

SECTION 2. One-half the cost and expense of making said improvement and the interest on the bonds issued, if any, shall be assessed upon the lots and lands abutting and fronting on each side of said improvement, and the remaining one-half of the entire costs and expenses of grading and improving said part of said Delta avenue shall be paid by the county of Hamilton, Ohio. Said special assessments shall be payable in twenty semi-annual instalments, if deferred, but any property holder shall have the privilege of paying any or all of said assessments in cash, without interest, within thirty days after the publication of a notice in the newspaper.

SECTION 3. For the purpose of raising the money necessary to meet the total expense of said improvement, the county commissioners of Hamilton county, Ohio, are hereby authorized to issue and sell the bonds of the county, not exceeding \$20,000 in all, as they may be needed. Said bonds shall bear interest at the rate of not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value, and shall become due in instalments or at intervals, not exceeding in all a period of ten years.

SECTION 4. Said county commissioners of Hamilton county in addition to their other powers of taxation, are hereby authorized to collect in the grand levy of taxes, on the taxable property of said county, on the duplicate for the year after said work is completed, a tax sufficient to accumulate a sum of money equal to one-half the cost of said improvement.

SECTION 5. This act shall take effect and be in force from and after its passage, "Provided that before any action shall be taken by said county commissioners under this act, a petition signed by the owners of a majority of the feet front abutting on said part of said avenue, shall first be filed with them asking for the same." This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

307L

[House Bill No. 807.]

AN ACT

To authorize the board of education of Madisonville village school district, Hamilton county, Ohio, to issue bonds for the purpose of refunding part of its debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Madisonville village school district, Hamilton county, Ohio, be and it is hereby authorized to issue bonds not to exceed in the aggregate the sum of twenty-five hundred dollars (\$2,500), for the purpose of refunding part of the debt and obligations of said board incurred in the purchase of school lot and otherwise; said bonds shall be issued in denominations not to exceed \$500, on such conditions and for such length of time not to exceed ten years as said board may determine, and shall bear not to exceed six per cent. per annum interest, and shall be sold for not less than their face value and shall be signed by the president and clerk of said board, and said board of education shall annually thereafter cause the necessary taxes to be levied to pay the principal and interest on said bonds as they become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

308L

[House Bill No. 811.]

AN ACT

For the relief of Chas. F. Roberts, treasurer of Concord township, Highland county.

WHEREAS, Charles F. Roberts was at the April election, A. D. 1891, duly elected township treasurer of the township of Concord, Highland county, Ohio, and also became treasurer of the board of education of said township, and

WHEREAS, As such treasurer he, in good faith, deposited certain of the funds of said board of education in the Citizens' national bank of Hillsboro, Ohio, and

WHEREAS, Said Citizens' national bank did on the 9th day of June, A. D. 1893, fail and suspend payment, and

WHEREAS, Said Citizens' national bank did on the 9th day of June, said school funds so deposited in said bank and being at the time of its failure the sum of ninety-two dollars and forty-one cents (\$92.41), a dividend of fifty-five per cent., to wit, fifty dollars and eighty-two cents, and

WHEREAS, The said receiver will be able to pay only a small portion of said balance of forty-one dollars and fifty-nine cents, and therefore leaving it uncollectable, for which said Charles F. Roberts and the sureties on his official bond are liable, and

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said Charles F. Roberts and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees and board of education of Concord township, Highland county, Ohio, be and they are hereby authorized and empowered by suitable resolution to release said Charles F. Roberts and the sureties on his official bond from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said Citizens' national bank, of Hillsboro, Ohio, after payment in full of all dividends thereon collectable from the receiver of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

309L

[House Bill No. 820.]

AN ACT

To create a school teachers' pension fund.

[LUCAS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in order to create a fund to be known as the school teachers' pension fund, one per cent. (1%) of the salaries, paid to all teachers of city districts of the third grade of the first class, shall be deducted by the proper officers and paid into the city treasury to the credit of said fund, to be used exclusively for pensions for teachers as hereinafter provided. All moneys received from donations, legacies, gifts, bequests or from any other source shall also be paid into said fund; but no taxes shall be levied or any public moneys be appropriated for said fund, except as herein provided.

SECTION 2. Said school teachers' pension fund shall be under the charge, management and control of a board to be known as the board of trustees of the school teachers' fund, composed of seven members, three elected by the board of education of said city district, three to be elected by the teachers of the public schools, and the superintendent of schools of said city district who ex officio shall be a member of said board. The board of education of said city district shall, at its first regular meeting after this act goes into effect, elect three of its members, one for one year, one for two years, and one for three years and thereafter annually elect one of its members for three years, who shall serve as members of said board; the teachers of the public schools of said city district, shall within thirty days after this act goes into effect, at a meeting to be called by the superintendent of schools of said city district, elect three of their number, one for one year, one for two years, and one for three years, and thereafter annually at a meeting to be called in the same manner, elect one of their number for three years, who shall serve as members of said board. The members of said board shall serve until their successors are elected.

and qualified. Said board of trustees shall have power to invest said pension fund in the name of said board in bonds of the United States, or of the state of Ohio, or of any county in this state, or of any municipal corporation in this state, or of any school district of this state, and said board shall have power to make payments from said pension fund of pensions granted in pursuance of this act. Said board of trustees shall also have power from time to time to make and establish such rules and regulations for the administration of said pension fund as they shall deem best.

SECTION 3. Said board of education of said city district shall have power by a majority vote of all the members composing said board to retire on account of physical or mental disability any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after the passage of this act; provided however that three-fifths of said period of service shall have been rendered by said beneficiary in the public schools of said city district or in the public schools of the county in which said city district is located. The term "teacher" under this act shall include all superintendents of instruction, principals, special teachers, and teachers employed by said board. Any female teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after the passage of this act, and any male teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty-five (35) years, whether before or after, or partly before or after the passage of this act; provided that three-fifths of said term of service shall have been rendered in the public schools of said city district, or in the public schools of the county in which said district is located. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension an amount equal to one-half of the annual salary paid to such teacher at the date of his or her retirement, said pension to be paid monthly during the school year, but in no event shall such pension paid to any teacher exceed the sum of six hundred (600) dollars in any one year; provided further that if said pension fund shall at any time be insufficient to meet the pensions so provided for, that during the period that such fund is insufficient to make such payments, the amount in said fund during said period shall be prorated between the parties entitled thereto. No payment shall be made to any beneficiary, nor shall any teacher retired or retiring be entitled to any payment under the provisions of this act prior to July 1, 1899.

SECTION 4. Said board of trustees shall have the power to use both the principal and income of said fund for the payment of the pensions herein provided for.

SECTION 5. The clerk of the board of education of said city district shall certify monthly to said board of trustees all amounts deducted from the salaries of the teachers as aforesaid, which amounts as well as all other moneys contributed to said fund shall be set apart as a special fund for the purposes herein specified, subject to the order of said board of trustees. All moneys belonging to said fund shall be paid only on the order of said board of trustees entered upon its minutes on warrants signed by the president and secretary of said board.

SECTION 6. The city treasurer of said city of the third grade of the first class located wholly or partly in said city district shall be the

custodian of said pension fund and shall keep the same subject to the order, control and direction of said board of trustees. He shall keep books of accounts concerning said fund in such manner as may be prescribed by said board, which books of accounts shall always be subject to the inspection of said board of trustees or of any member thereof. Said treasurer shall execute a bond to said board of trustees with good and sufficient sureties in such sum as said board of trustees shall require, which bond shall be subject to the approval of said board and be conditioned for the faithful performance of his duties as custodian of said fund and treasurer of said board. He shall always keep and truly account for all moneys and profits coming into his hands as such treasurer belonging to such fund, and at the expiration of his term of office, shall pay over, surrender and deliver to his successor all securities, moneys, and other property of whatsoever kind, nature and description which may be in his hands or under his control as treasurer aforesaid. Said treasurer shall be paid for his services under this act a compensation not to exceed one per cent. annually of the amount paid into said fund during the year.

SECTION 7. The death, resignation or removal of any teacher for cause as aforesaid, shall terminate all interest of said teacher in said fund, but it shall be optional with the board of trustees of said pension fund to appropriate monthly to any teacher who has become disabled by accident or sickness to such an extent as to be incapacitated for teaching, a sum not to exceed one-half of said teacher's regular monthly salary, provided that said teacher shall have taught at least ten years in the public schools of a city district of the third grade of the first class, and providing that such monthly appropriation shall not continue for a longer period than ten months or one school year.

SECTION 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after the first day of September, A. D. 1897.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH L. JONES,
President of the Senate.

Passed April 27, 1896.

310L

[House Bill No. 823.]

AN ACT

To regulate the levying of taxes for judiciary purposes in certain counties.

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to other levies authorized by law it will be the duty of the commissioners of any county of the state of Ohio containing a city of the second grade, second class, and they are hereby authorized at their June session to levy on each dollar of the valuation of taxable property within such county, not to exceed six-tenths of a mill for judiciary purposes, the proceeds of such levy to be placed in a separate fund to be called the judiciary fund. Said fund shall be applied to the payment of all court

expenses, including salaries of judges, official stenographers, coroners' fees, all justices', mayor, constable and witness fees, and all other expenses incidental to the administration of justice in said county, and any other expenses ordered by any and all courts of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

311L

[House Bill No. 826.]

AN ACT

To authorize the commissioners of Ottawa county to levy a tax to improve the navigation of Portage river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Ottawa, in this state, be and are hereby authorized and empowered to levy, at their regular June session each year, a tax not to exceed 1-10 of a mill on all the taxable property of said county, for the purpose of improving the channel of Portage river in said county by dredging or otherwise; provided, however, the total levy made in said county shall not exceed the amount now authorized by law to be levied by said commissioners on the general duplicate of said county.

SECTION 2. To anticipate such levy for the first three years said commissioners are hereby authorized and empowered to issue the bonds of said county not to exceed two thousand dollars, and in amounts of not less than five hundred dollars, nor more than one thousand dollars each; and said bonds shall be payable at such time as said commissioners may deem most advantageous, not exceeding five years from the date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than par value; but the interest on said bonds shall not exceed six per cent. per annum. Said bonds shall be signed by the county commissioners, and countersigned by the auditor of said county of Ottawa, who shall keep a record of all bonds issued under and by virtue of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

312L

[House Bill No. 832.]

AN ACT

For the relief of M. O. Agner, [treasurer] of Blanchard township, Putnam county, Ohio.

WHEREAS, M. O. Agner was at the April election, A. D. 1893, duly elected township treasurer of the township of Blanchard, Putnam county, Ohio, and

WHEREAS, As such treasurer he in good faith deposited certain funds of said township in the Ottawa exchange bank of Ottawa, Ohio, and

WHEREAS, Said Ottawa exchange bank did on the 19th day of December, A. D. 1893, fail and suspend payment, and

WHEREAS, The assignees of said bank have paid upon the amount of said township funds so deposited in said bank and being at the time of its failure the sum of four hundred and seventeen dollars and twenty-one cents (\$417.21) a dividend of 20 per cent. to wit: the sum of eighty-three dollars and forty-four cents (\$83.44), and

WHEREAS, Said assignees will be able to pay only a small portion of said balance of three hundred and thirty-three dollars and seventy-seven cents (\$333.77). Leaving the balance uncollectable for which said M. O. Agner has settled in full with the township trustees of said Blanchard township, and

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said M. O. Agner by authorizing the township trustees of Blanchard township, Putnam county, Ohio, to refund to said M. O. Agner the sum so paid by him on account of the failure of said Ottawa exchange bank of Ottawa, Ohio. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Blanchard township, Putnam county, Ohio, be and they are hereby authorized and empowered by suitable resolution and act to refund the said M. O. Agner, the said sum of three hundred and thirty-three dollars and seventy-seven cents (\$333.77).

SECTION 2. And any and all dividends hereafter paid by the said assignees of the Ottawa exchange bank shall be paid to the treasurer of Blanchard township as funds of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

313L

[House Bill No. 844.]

AN ACT

To amend sections 2, 3, 5, 7, 34, 36 and 40 of an act entitled "An act supplemental to title 12 of the Revised Statutes of Ohio to provide a government for cities of the second class, third grade "A," and to amend sections 1546, 1548, 1755, 1781, 1785, 1808, 2328, 2682, 2689a, 2690a, 2805, 2815 and 2926t," passed March 23, 1891 (88 O. L., 159).

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two, three, five, seven, thirty-four, thirty-six and forty of said act be and the same are hereby specifically amended as follows:

SEC. 2. In cities of the second class, third grade *a* all powers and duties connected with and incident to the appointment, regulation, government and control of the police force and of the city prison, patrol and station houses, shall be vested in a board of police and fire commissioners, consisting of four electors of said city, appointed by the mayor not more than two of whom shall at any time be members of the same political party. The first appointment of the members of said board shall be made on the last Monday of April, 1897, respectively for the term of one and two years, the members appointed for one year to be of different political parties, and thereafter two members shall be appointed annually on the last Monday of April for the term of two years. And all members shall hold their office until their successors are appointed and qualified, and they shall receive no salary or compensation for their services.

SEC. 3. The members of the board of police and fire commissioners shall meet within ten days after the first appointment therein, and within ten days from the last Monday of April annually thereafter, at the office of the board of police and fire commissioners of said city, and organize by electing one of their number president, by ballot, and the clerk of the police court of such cities shall act as the secretary of the board of police and fire commissioners, and shall receive no additional salary or compensation for such services. If they fail to elect a president within two hours after meeting, the president shall be chosen by lot. The mayor shall have power to fill all vacancies for an unexpired term.

SEC. 5. The qualifications, enumeration and distribution of the duties of each member and officer of the police force shall be particularly defined and prescribed by rules and regulations of the board of police and fire commissioners. Each member and officer of the police force and each appointee of the board in any capacity shall be an elector of the city in which he was appointed, and be able to read and write the English language understandingly. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity and has been and is an orderly law-abiding citizen. No man shall be appointed an officer or member of the police force who has been convicted of any felony or who has been convicted of any misdemeanor within three years previous to his appointment, or has been engaged in any unlawful calling or has pursued any calling in a manner forbidden by law. All appointees on the police force hereunder shall serve during the pleasure of the board.

SEC. 7. The salaries of the officers and appointees shall be fixed by the board of police and fire commissioners within such limits as may

be prescribed by ordinance of council and shall be paid monthly to the persons entitled thereto.

SEC. 34. In cities of the second class, third grade *a*, there shall be a board of public affairs composed of four members, electors of such cities, appointed by the mayor, not more than two of whom shall at any time, be members of the same political party. The first appointment of the members of said board shall be made on the last Monday of April, 1897, respectively for the terms of one and two years, the members appointed for a term of one year to be of different political parties, and thereafter two members shall be appointed annually on the last Monday of April for the term of two years. Two of said members, no more than one of whom shall at any time belong to the same political party, shall be appointed and designated as active members of said board, and devote their entire time and attention to the duties of the office, and shall receive as compensation a salary of twelve hundred dollars per annum, payable in monthly instalments. Two of the members of said board, no more than one of whom shall at any time belong to the same political party, shall be appointed and designated as advisory members thereof, and each shall receive as compensation a salary of three hundred dollars per annum, payable in monthly instalments, and no expense or other compensation will be allowed any of the said board. Vacancies shall be filled by the mayor for the unexpired term, and no one related to the mayor shall be eligible to membership on said board. The active members shall personally supervise and superintend the construction of all improvements made by order of the board, and all labor performed for it, and no person or persons shall be employed by the board as superintendents of any such improvement or work.

SEC. 36. The members of the board of public affairs shall meet within ten days after the first appointment herein, and within ten days from the last Monday of April annually thereafter, at the office of the board, and organize by electing by ballot one of their number as president and one of their number as vice-president, and if they fail to do so within two hours after their meeting, such officers shall be chosen by lot.

SEC. 40. The board may employ such engineers, clerks, laborers, and other persons, as it may deem necessary for the execution of its duties, and fix their salaries and compensation; but the salaries of such clerks and engineers, as are appointed for a definite time, shall be fixed within limits prescribed by the council; and any such persons may be removed by the board at any time; but the board shall not elect or employ or appoint or contract with any one who is related to the mayor or to any member of said board.

SECTION 2. This act shall in no way impair or affect any legal rights which may have been acquired by any such cities of the second class, third grade *a*, under any laws, contracts, or ordinances. This act shall take effect and be in force on the last Monday of April, 1897, and all members of said boards shall continue in office until the officers herein shall be appointed and qualified, and original sections 2, 3, 5, 7, 34, 36 and 40 of said above described act are hereby repealed.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

314L

[House Bill No. 845.]

AN ACT

To reimburse Joseph Roop, formerly treasurer of Crawford county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Crawford county, Ohio, shall and is hereby required to draw his warrant as such auditor on the county treasurer of said Crawford county for the sum of one hundred and sixty dollars (\$160), out of the general fund of said county, in favor of Joseph Roop, to reimburse him for money stolen from the vaults of the treasury of Crawford county during the incumbency of said Joseph Roop as treasurer of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

315L

[House Bill No. 852.]

AN ACT

To amend section 2 of an act entitled "An act to authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of reconstructing and reerecting market-houses in market spaces in such cities," passed May 16, 1894 (91 O. L., p. 754).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act entitled, "An act to authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of reconstructing and reerecting market-houses in market spaces in such cities," passed May 16, 1894 (91 O. L., p. 754), be amended so as to read as follows:

SEC. 2. It shall be lawful for said board of administration of such city to issue, from time to time, bonds in the name of said city and under the corporate seal thereof, in an amount not to exceed \$60,000; said bonds to be of such a denomination and to be payable at such time and bear interest at such rate, not exceeding four per cent. per annum, as said board of administration may determine; said bonds shall be signed by the president of said board of administration, and by the mayor of the city, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city, and certify the same to the county auditor upon a certificate to that effect from the said board of administration, as to the amount necessary to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. Such tax shall be in addition to the amount now authorized to be levied for municipal purposes; provided, however, that whenever, in the opinion of the board of administration the revenues derived from the rental of stalls in such market-houses is sufficient to provide a sinking fund for the final redemption of the bonds issued under the pro-

visions of this act, and to pay the interest thereon, in addition to the amounts necessary for their maintenance said board of administration shall have authority to pay to the trustees of the sinking fund of such city, out of such revenues the amounts necessary to provide for payment of such sinking fund and interest, and in such event no tax shall be levied for such purposes.

SECTION 2. Original section 2 of said act, of which this is amendatory, is hereby repealed, and this act shall take effect from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
316L

Passed April 27, 1896.

[House Bill No. 854.]

AN ACT

To extend and grade Wasson road in township 4, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, be and they are hereby authorized to extend and grade Wasson road, in township 4, in sections 27 and 21, fractional range 2, of Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side at right angles, of the following described center line: Beginning in the Paxton Road, at a point thirty (30) feet north of the southwest corner of the northeast quarter of section 27; thence eastwardly on a line 5767 feet more or less to a point in the half section line of section 21, which point is 85 feet north of the intersection of the two half section lines of said section 21.

SECTION 2. The entire expense of said improvement, together with the interest on any bonds issued by the commissioners for the same, shall be assessed upon and collected from the owners of lots and lands and from the lots and lands abutting and bounding upon said avenue, when completed. Said assessment shall be divided into twenty semi-annual installments, but any property holder may have the privilege of paying his assessment in advance, provided he pays the same within sixty days after notice thereof from the county commissioners.

SECTION 3. The said commissioners shall immediately appoint three disinterested freeholders of the county as viewers, and said commissioners shall forthwith notify said viewers of the time and place to meet to make the view, and shall also give notice by publication in a newspaper printed in the county, for two consecutive weeks prior to the meeting, which notice shall state the time and place of the meeting, the kind of improvement to be made, the place of the beginning of said improvement, and the place of termination, and the route thereof.

SECTION 4. The viewers shall proceed to assess and determine the damages sustained by any person through whose premises the improvement is to be made, but they shall not be required to assess damages to any person, except idiots and lunatics, in consequence of the appro-

priation of any private property in the making of the improvement, unless the owner thereof, or his agent, files a written application with the viewers prior to the time of meeting, giving a description of the premises on which damages are claimed by them, and all applications for damages shall be barred unless they are presented as herein required; and any person feeling aggrieved by the assessment of damages made, may demand of the commissioners to have the same assessed by a jury, in which case the claimant may appeal to the probate court of the county, and the same proceedings shall be there had as are provided in chapter 4, title 7, part 2 of the Revised Statutes of Ohio; but the guardian of any minor, idiot or insane person may act for his ward and all his acts shall be binding upon his said ward.

SECTION 5. The viewers shall estimate the cost and expenses of said improvement, and shall make report in writing within a reasonable time, to be fixed by the commissioners, of all action taken by them, which report shall be filed and kept with the county commissioners for public inspection.

SECTION 6. For the purpose of raising the money necessary to meet the expenses of the improvement the commissioners of the county are hereby authorized to issue the bonds of the county, payable in installments or at intervals not exceeding in all the period of ten years, bearing interest at the rate of not to exceed five per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value. The assessment shall be placed upon the tax duplicate for taxation against the lots and lands assessed, exclusive of any improvements thereon and in proportion to the acreage thereof, and collected in the same manner as other taxes, and the fund so raised to be applied with the money obtained by special assessment, to the payment of the bonds and interest, issued pursuant to the direction of this act.

SECTION 7. Said commissioners are hereby authorized to begin forthwith the making of said improvement, with full authority to contract for the same at any time after the passage of this act; but should said commissioners fail, or refuse to make said improvement as herein provided for, then, upon the filing in the office of said commissioners of a petition therefor, by the owners of more than one-half of the feet front of said lots and lands bounding and abutting on said center line described in section 1 hereof, said commissioners are thereupon authorized and directed to make said improvement, with full authority to contract for the same, and issue the bonds therefor in all respects as herein before provided.

SECTION 8. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

317L.

[House Bill No. 855.]

AN ACT

For the establishment and maintenance of public libraries in villages of the first class, having a population at the last federal census of not less than 3,100 or more than 3,150.

[LOGAN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any village of the first class in the state of Ohio, having at the last federal census a population of not less than 3,100 or more than 3,150, the village council may, by resolutions passed by the majority of the members elected thereto, declare it essential to the interest of the village to establish and maintain therein, a public library and reading room. That thereafter, the said village council shall annually levy a tax of four-tenths of a mill on the dollar on the taxable property of said village for that purpose, to be called the library fund, and such levy shall be certified to the county auditor and by him placed upon the tax duplicate of the county and collected as other taxes.

SECTION 2. Whenever such levy of four-tenths of one mill on the dollar will produce a revenue in excess of four hundred dollars (\$400) per year such levy shall be reduced so that the amount of revenue for said library fund shall not in any one year exceed said sum of four hundred dollars (\$400). But said levy shall not be so reduced as to produce a revenue to said library fund of less than three hundred dollars (\$300) in any year.

SECTION 3. The custody and management of such public library and reading room as well as its entire administration shall be committed to a board of trustees, five in number, of whom the mayor of such village for the time being shall be one, and the others shall be appointed by the council of said village, all of whom shall be appointed from such names as shall be nominated to the council by the board of education of said village, and shall be citizens of approved learning, discretion and fitness for such office. They shall hold their office for the term of four years and until their successors are duly elected and qualified, provided that the trustees first appointed, other than the mayor, shall be elected respectively for terms of one, two, three, and four years from the date of their election. Any vacancy caused by the death, resignation or removal of a trustee, or otherwise, shall be filled for the unexpired term, by appointment in the same manner as the trustees are appointed for full terms. No trustee shall receive any compensation as such.

SECTION 4. Said trustees shall immediately after their appointment, meet and organize by the election of one of their number as president, and by the election of such other officers as they may deem necessary, including a librarian, and may fix the salaries thereof. They shall make and adopt such by-laws, rules and regulations for their own government and guidance of the library and reading room and employees, as may be expedient and not inconsistent with this act. They shall have power over, and exclusive control of the expenditure of all money collected to the credit of the library fund, and of the supervision, care, and custody and control of the library rooms; provided that all moneys collected or received from any source for such library shall be deposited in the treasury of the village to the credit of the library fund, and shall be

kept separate and apart from other funds. Said library fund shall be paid out upon the order of the board of trustees of the library upon orders drawn upon said fund, signed by the president of said board and countersigned by the secretary thereof.

SECTION 5. The said board of trustees shall make an annual report to the village council on the first day of January of each year, stating the condition of their trust, the various sums of money received, and from what sources, and the amounts paid out, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gifts or otherwise during the year, the number lost or missing, and such other information as may be proper.

SECTION 6. Said board of trustees shall have power to sue or be sued in their name as a board of trustees, and they shall have power to accept any gifts, loans or bequests of personal or real estate, and shall hold the title thereof as such trustees for the benefit of said library.

DAVID L. SLEEPER,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

318L

[House Bill No. 861.]

AN ACT

To authorize the board of education of certain villages or cities to increase the levy for the maintenance of schools.

[NILES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of any village, or city, having at the last federal census not less than four thousand two hundred and eighty (4,280) and not more than four thousand three hundred (4,300) inhabitants, is hereby authorized to levy a tax, for the years 1896 and 1897, on all the taxable property within said school district, not exceeding two (2) mills on the dollar, for each year, in addition to the levy now authorized by law, for the purpose of supporting and continuing the schools in said school district, the same to be collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

319L

[House Bill No. 862.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of rebuilding, reconstructing or repairing bridges therein.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the second grade of the first class in the state of Ohio, be and is hereby authorized to borrow money, in a sum not to exceed two hundred and fifty thousand (\$250,000) dollars at a rate of interest not to exceed five per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed to be used solely for the purpose of rebuilding, reconstructing or repairing of such bridges, foundations and approaches within such city as the council thereof may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate amount of such loan, or any part thereof, in such denominations, or amounts, and payable at such time or times, and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine. Said bonds, except as indicated in the foregoing shall conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
320L

Passed April 27, 1896.

[House Bill No. 869.]

AN ACT

To authorize the village council of Toronto, Jefferson county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Toronto, in Jefferson county, be and the same is hereby authorized to transfer the sum of three thousand dollars (\$3,000) from the sinking fund to the general fund of said village..

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
321L

Passed April 27, 1896.

[House Bill No. 872.]

AN ACT

To provide for the preparation and use of a special tax list and duplicate for sewer, street paving, and improvements, sidewalk curb and gutter assessments in any county containing a city with a population of nine thousand and not more than nine thousand one hundred at the last federal census.

[PIQUA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county containing a city with a population of nine thousand and not more than nine thousand one hundred at the last federal census, the county auditor, shall, whenever in his judgment it shall be expedient, annually prepare a special tax list and duplicate in a separate volume or volumes prepared for that purpose, to be furnished by the municipality, in which he shall enter the annual installments for each year of special assessments in municipalities in such counties, for the cost and expenses of assessments on street paving, sewerage, sidewalks, curbs and gutter improvements therein, which special tax list and duplicate shall show the several lots and parcels of lands so assessed, names of the owners and said annual installments for such year of such assessment against each lot or part of land, and in such case, such special assessment shall not be required to be placed upon the general duplicate of the county, but such special tax list and duplicate shall be held to be in all respects of like force and effect as the general tax list and duplicate provided by law, and such assessment shall be payable and collectable in all respects as though placed upon such general tax list and duplicate. One or more special assessments for different street paving improvements may be placed in one volume, and one or more special assessments for different sewer, sidewalk, curb or gutter improvements may be placed in one volume. The county auditor shall certify and transmit such special assessments upon such special tax list and duplicate to the treasurer of the county at the time, and in the manner provided by law for certifying the general tax list and duplicate.

SECTION 2. For the services of the county auditor in each [year] in preparing such special tax list and duplicate and certifying the same to the treasurer, he shall be allowed as compensation such amount, not in excess of two per centum of the entire installment of such assessment for such year, as shall be allowed by the council of the municipalities in such counties ordering the construction of such improvements and such special assessments.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

322L

[House Bill No. 874.]

AN ACT

For the relief of Harrison W. Roads, treasurer of Highland county, Ohio.

WHEREAS, Harrison W. Roads was at the November election, A. D. 1891, duly elected treasurer of Highland county, Ohio; and

WHEREAS, As such treasurer, he in good faith deposited certain of the funds of said county in the Citizens' national bank of Hillsboro, Ohio; and

WHEREAS, Said Citizens' national bank did, on the 9th day of June, A. D. 1893, fail and suspend payment; and

WHEREAS, the receiver of said bank has paid upon the amount of said county funds so deposited in said bank and being at the time of its failure the sum of nine thousand eight hundred forty-two and 58-100 (\$9,842.58) dollars, dividends aggregating fifty-five per cent. to wit, the sum of five thousand four hundred thirteen and 41-100 (\$5,413.41) dollars; and

WHEREAS, Said receiver will be able to pay only a small portion of said balance of four thousand four hundred twenty-nine and 17-100 (\$4,429.17) dollars, leaving the larger part thereof uncollectable, for which, said Harrison W. Roads and the sureties on his official bond are liable; and

WHEREAS, A large number of the resident taxpayers of said county have petitioned this general assembly praying for the relief of said Harrison W. Roads and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Highland county, Ohio, be and they are hereby authorized and empowered, by suitable resolution, to release said Harrison W. Roads and the sureties on his official bond, from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said Citizens' national bank of Hillsboro, Ohio, after payment in full of all dividends thereon collectable from the receiver of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

323L

[House Bill No. 880.]

AN ACT

To provide better educational facilities in certain counties named herein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any township district situated in the counties of Stark, Ashtabula and Portage, may when in its opinion it will be for the best interest of the pupils in any sub-district, suspend

the school in such sub-district and provide for the conveyance of **said** pupils to such other district or districts as may be convenient for them; the cost of such conveyance to be paid out of the contingent fund of **said** district; provided, the board of any special school district in any county mentioned above may provide for the conveyance of pupils out of contingent funds, the same as township districts aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

324L

[House Bill No. 883.]

AN ACT

To authorize the county commissioners of Cuyahoga county to repair county fair ground at Chagrin Falls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Cuyahoga county be and they are hereby authorized and empowered to appropriate out of any funds not otherwise appropriated the sum of \$3,000 for repairing the buildings and fences and building new sheds in the county fair grounds at Chagrin falls.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

325L

[House Bill No. 888.]

AN ACT

To authorize the county commissioners of Miami county, Ohio, to issue bonds for the purpose of meeting and providing for a deficiency in the county and poor funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Miami county, Ohio, are hereby authorized and empowered to issue bonds of said county in amount not to exceed thirty-five thousand dollars (\$35,000) with interest coupons attached thereto, interest payable semi-annually, and in sums not less than five hundred dollars nor greater than one thousand dollars, principal and interest payable at the office of the county treasurer; said bonds to be due and payable at such times as the commissioners of said county may in their discretion deem for the best interests of said county; provided that none of said bonds shall be due and payable at a longer period than

ten years from the date of issue; said bonds to bear interest at a rate not to exceed five per cent. per annum; said bonds to be sold under the statute governing the advertising and sale of bonds, and shall not be sold for less than their par value and accrued interest, if any, and the proceeds thereof to be placed in the county treasury to the credit of the county general fund and the county poor fund, for the purpose of covering deficiencies already existing in said above named funds, and to pay the interest and redeem the bonds herein authorized to be issued by said county commissioners.

SECTION 2. That for the payment of the interest on and for the final redemption of said bonds herein authorized to be issued, the commissioners shall annually levy taxes upon all taxable property in said county of Miami at a rate of not to exceed three-tenths of one mill on the dollar in addition to the levies now authorized by law to create such a fund as may be necessary to pay the interest on and provide for the final redemption of said bonds as they become due and payable, provided that the tax levy hereby authorized shall not extend beyond ten years from the first day of January, 1897.

SECTION 3. Said bonds shall be issued and signed by said commissioners of said county, or a majority of the board, and countersigned by the county auditor, who shall keep and preserve a record of the bonds so issued; and said bonds shall be numbered consecutively and be made negotiable.

SECTION 4. The county commissioners and auditor of said county are hereby constituted a board and authorized to apportion the money arising from the sale of said bonds, between the said county and poor funds, in proportion to the requirements thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER.

Speaker of the House of Representatives.

ASAHEL W. JONES.

President of the Senate.

326L

Passed April 27, 1896.

[House Bill No. 890.]

AN ACT

To change the name of Rebecca Gunckel to Rebecca Ney.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Rebecca Gunckel, of Miamisburg, Ohio, be changed to that of Rebecca Ney.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES.

President of the Senate.

327L

Passed April 27, 1896.

[House Bill No. 894.]

AN ACT

To annex additional territory to Bradner special school district in Wood and Sandusky counties, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described additional territory in Montgomery township, Wood county, Ohio, is hereby annexed to Bradner special school district: The northeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of the east half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section ten (10) and the east half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) together with the east half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section three (3), in said township.

SECTION 2. That the following described territory in Freedom township, Wood county, Ohio, is hereby annexed to the Bradner special school district: The southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section thirty-four (34) and the south half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) together with the south half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section thirty-five (35) and the south half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-six (36) in said township.

SECTION 3. That the following described territory in Scott township, Sandusky county, Ohio, is hereby annexed to the said Bradner special school district: The southwest quarter ($\frac{1}{4}$) of section six (6) and the northwest quarter ($\frac{1}{4}$) of section seven (7) in said township.

SECTION 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

328L

[House Bill No. 795.]

AN ACT

To authorize the commissioners of Fayette county, Ohio, to levy a tax for the purchase of a site and erecting thereon a soldiers' library and armory building and repealing an act passed February 2d, 1892, for the purpose of erecting a soldiers' monument, and authorizing the transfer of funds collected under said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of purchasing a site and erecting thereon a soldiers' memorial library and armory building, the commissioners of Fayette county, Ohio, shall be and are hereby authorized and required to issue the bonds of said Fayette county, to the amount of thirty thousand dollars, payable in such portion during the thirty years next succeeding the issue thereof, that the payment may be met by an annual levy, not exceeding one thousand dollars per annum, and accruing interest, said bonds to draw not more than six per cent. interest and made payable semi-annually, and shall not be sold for less than their par value.

SECTION 2. The said commissioners of Fayette county shall appoint a board of five careful and judicious electors, who shall be honor-

ably discharged soldiers, and who shall serve without compensation, and who shall be known as the memorial building board, and who shall have the direction, supervision and management of all moneys, donations or property arising from the sale of bonds provided for in section 1 of this act, or of any money, donations or property that shall be intended to aid in securing a site or constructing the said soldiers' memorial library and armory building. The said memorial building board shall, within ten days after their appointment effect an organization by electing a president, a clerk and a treasurer. The said treasurer shall give bond in the sum of forty thousand dollars, with good and sufficient surety, to be approved by the county commissioners before any funds arising from the provisions of this act shall be paid into his hands, who shall receive one-half of one per cent. upon all money disbursed as compensation.

SECTION 3. The term of service of said memorial building board shall expire only on the completion of said soldiers' memorial library and armory building, provided said board of county commissioners shall have power and are authorized to remove said memorial building board or any of them, for good cause, and to fill any vacancy that may happen therein.

SECTION 4. The said commissioners of Fayette county, upon the approval and acceptance of the bond of the treasurer of the memorial building board, are authorized and required to transfer to said treasurer, all money collected or levied under authority of an act entitled, an act to authorize the commissioners of Fayette county to levy a tax for and to build a county soldiers' monument, passed February 12, A. D. 1892, and to pay to said treasurer all moneys raised by the sale of bonds as provided in section 1 of this act, and all money paid to said treasurer of the memorial building board shall be expended in purchasing a site and erecting thereon a soldiers' memorial library and armory building and for no other purposes.

SECTION 5. The said memorial building board are hereby empowered and required to purchase a site and erect thereon a soldiers' memorial library and armory building, containing a suitable hall for an armory hall and other public use, a suitable room with ante-rooms attached for the free use of any and all posts of the grand army of the republic and kindred and auxiliary organizations belonging to Fayette county, a convenient room for the use of a public library and reading room, and such other rooms as the memorial building board may deem necessary for the convenience and purposes of said building.

SECTION 6. Upon the completion and acceptance of said soldiers' memorial library and armory building and the expiration of the term of said memorial building board, as provided in section 3 of this act, the judge of common pleas court shall appoint three judicious electors as a board of trustees, who shall have the management and control of said building and grounds and whose term of service shall be as follows: One for three years, one for two years, and one for one year, and annually thereafter the said judge shall appoint one member each year for a term of three years, said board to serve without compensation.

SECTION 7. The act entitled an act to authorize the commissioners of Fayette county to levy a tax for and to build a county soldiers' monument, passed February 12, A. D. 1892, be and the same is hereby repealed, and the said commissioners of Fayette county are required to transfer all funds collected or levied under authority of said act of Feb-

ruary 12, 1892, to the fund provided for the erection of a county soldiers' memorial library and armory building.

SECTION 8. Provided, that before said bonds shall be issued or tax levied, the commissioners of said county shall submit the proposition of issuing the same to the electors thereof at a general election, notice of which shall be published in a newspaper of general circulation in said county at least ten days before said election, and all electors favoring said proposition shall have written or printed on their ballots—"For memorial library and armory building bonds, annual levy and transfer of funds, Yes," and those opposed "For memorial library and armory building bonds, annual levy and transfer of funds, No," and if it appear from the returns of said election that a majority of the ballots cast at such election were in favor of memorial library and armory building bonds, annual levy and transfer of funds, then said commissioners of Fayette county shall proceed to carry out the provisions of this act, and not otherwise.

SECTION 9. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

329L

[House Bill No. 895.]

AN ACT

To authorize the board of education of Tymochtee township, Wyandot county, Ohio, to issue bonds to build a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Tymochtee township, Wyandot county, Ohio, is hereby authorized and empowered to issue bonds in the sum of not to exceed fifteen hundred dollars, in denominations not exceeding three hundred dollars each, and bearing interest not to exceed six per cent. per annum, payable semi-annually, payable at any time not exceeding seven years from the date of their issue, as the board of education may determine. Said bonds shall be sold at not less than their par value, and in all respects not herein provided for, in accordance with the provisions of an act providing for the sale of public bonds, passed and took effect March 22, 1893 (O. L. v. 80, p. 68, sec. No. 9437).

SECTION 2. The proceeds arising from the sale of said bonds or any portion of them, shall be expended for the purpose of building and furnishing a school house in joint subdistrict No. 6, in said township of Tymochtee, in the county of Wyandot, and state aforesaid, upon a site selected or to be selected by the board of education.

SECTION 3. To pay the principal and interest of any of said bonds as the same shall become due, said board is hereby authorized and empowered to levy a sufficient tax upon all the taxable property, both real and personal, in said joint subdistrict No. 6, in addition to all other taxes

authorized by law. Said tax shall be levied as other taxes in said township.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

330L

[House Bill No. 796.]

AN ACT

To create an additional voting precinct in Guian township, Gallia county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby created and established in Guian township, Gallia county, Ohio, an additional voting precinct, comprising the incorporated village of Crown City, bounded and described as follows, viz.: Beginning at the Ohio river at the mouth of Bay's Branch; thence up said branch north 40, west 17 chains to the lines separating the lands of W. Lane and Jas. Gatewood to a stone; thence west with said line to Lane's northwest corner 28.50 chains; thence west 8 chains along the line separating the land of F. Fowler and Jas. Gatewood to a stone; thence south 6.71 chains to the line separating the lands of Frank Fowler and Thos. J. Bay; thence west with said line 64.71 chains to the corner between Guthrie and Bay (marked 5 on the plat); thence south along the line separating the lands of Bay and Guthrie 10 chains to Guthrie's southeast corner; thence west along the line between Bay and Guthrie 16 chains to the section line; thence south along the section line 62.92 chains to the southwest corner of section 13; thence east along the county line (the section line) 64.63 chains to the Ohio river; thence up the river north 49, east 17 chains; north 52, east 12.50 chains; north 42, east 16 chains; north 38, east 21.50 chains; north 32, east 3 chains; and north 40, east 27.36 chains to the place of beginning.

SECTION 2. There shall be elected and qualified for said new voting precinct the same number and kind of election officers as are provided for other similar legally constituted election precincts in the state and county and the officers therefor shall be appointed and qualified in the same way, and in all other respects it shall be treated and governed as other election precincts.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

331L

[House Bill No. 793.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the second grade of the first class in the state of Ohio, be and is hereby authorized to borrow money in such sum or sums, and at such time or times, as the city council shall deem best, not to exceed in the aggregate the sum of one million five hundred thousand (\$1,500,000) dollars at a rate of interest not to exceed five (5) per centum per annum, payable semi-annually, for the purpose of purchasing land for pumping stations, and for the construction of all pumping stations with the necessary buildings, engines, boilers and equipments, aqueducts, pump-wells and other appurtenances necessary for the equipment of a complete pumping plant; also for the construction of such tunnels, shafts, inlets, protection cribs, etc., as may be required for supplying such city with water and as the council shall direct. For the purpose of effecting such loan and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds in such denominations payable at such time or times not exceeding thirty (30) years from date thereof and for such amount or amounts, not exceeding in the aggregate the said sum of one million five hundred thousand (\$1,500,000) dollars as the city council may from time to time direct. The principal and interest on said bonds to be paid for out of the receipts of the water works or first division so called of the department of public works of such city, and said bonds, except as indicated in the foregoing, shall in all other respects conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

332L

[House Bill No. 792.]

AN ACT

To create a board of trustees and establish a sanitary police force pension fund, in cities of the second grade of the first class.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the health officer and secretary of the division of health and five members of the sanitary police force of any city of the second grade of the first class, elected as hereinafter provided, shall constitute and be the trustees for the distribution of the pension fund now existing, or

hereinafter provided, and shall be called the sanitary police force pension fund.

SECTION 2. That the five members of the sanitary police force shall be elected on the first Wednesday in January in each and every year hereafter, except the first election, which shall be held within thirty days after and by virtue of the passage of this act. That every such member of said sanitary police force shall be entitled to cast only one ballot, and that no ballot shall contain the names of more than five persons, and the persons receiving the highest number of votes cast shall be declared such trustees, and shall hold their offices until their successors are duly elected and qualified.

SECTION 3. The health officer and secretary in such cities, shall also be the president and secretary of such board of trustees of the sanitary police force pension fund. It is hereby made the duty of said secretary to keep a full record of all the proceedings of said board of trustees, and all actions taken by it in regard to said pension fund without additional compensation.

SECTION 4. That all fines imposed upon members of sanitary police force, by way of discipline or punishment, together with witness fees, gifts and emoluments that may be paid or given specially to said pension fund, and an assessment of one dollar per month on each and every member shall be paid to and applied by the city treasurer to said pension fund.

SECTION 5. That the said board of trustees shall have power to draw such pension fund from the treasurer of said city, and may invest the said fund in the name of the board of trustees of the sanitary police force pension fund in interest bearing bonds of the United States, the state of Ohio, or any county in this state, or of said city, or of any township, incorporated village, or other municipal corporation in the state of Ohio, where the power to issue such bonds is derived from either general or legislative authority. That the said bonds shall, before the same are issued to the said board of trustees, be registered in the office of (the) treasurer of the United States, or said state of Ohio, or county, city, township, incorporated village, or other municipal corporation in this state issuing the same, and bearing upon their face the legibly written fact of said registry. The said board of trustees shall make report to the common council of the condition of the said pension fund on the second day of January in each and every year.

SECTION 6. No member of the sanitary police force shall be placed on the pension roll unless the health officer shall certify in writing that he is permanently incapacitated, either mentally or physically from performing his official duties, nor unless due notice is given him by the director of police or health officer of their intention to retire him. If any member of the sanitary police force of any such city shall while in the performance of his duty, become, or be found upon examination, to be physically or mentally permanently disabled, so as to render necessary his retirement from all service in said sanitary police force, such board of trustees shall have power to retire such permanently disabled member from all service in said sanitary police force, and upon such retirement the said board of trustees shall authorize the payment to such permanently disabled member monthly in equal payments, from the said pension fund, the sum of five hundred dollars (\$500) per year; provided, however, that if at any time there should not be sufficient money or bonds to pay to

each person entitled to the benefit thereof, the full amount as hereinbefore stated, then, and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof until said fund is so replenished as to warrant payment in full to each of said beneficiaries. The board of trustees shall within thirty days after the death of any member of the sanitary police force, who died either in active service or while on the pension roll, pay the sum of five hundred dollars (\$500) to his widow or minor children, or in case there be no minor children, then to such person or persons as were dependent on deceased for support; but if there be no such dependent person then no money shall be paid from the fund on account of such deceased member except the sum not to exceed one hundred and fifty (\$150) dollars, to be used to defray funeral expenses.

SECTION 7. When a member of the sanitary police force has performed faithful service as a member of such force for a period of not less than fifteen (15) consecutive years, since May 1, 1882, he may by a majority vote of all the members of the board of trustees, be retired from active service and placed upon the pension roll, or having faithfully performed service for a period of twenty-five (25) consecutive years, he shall be retired by the director of police and placed upon the pension roll, and when so retired shall be paid from the fund provided for in section 4 of this act a pension of five hundred (\$500) dollars per year in equal monthly payments. If any officer on the retired list shall at any time after his retirement from said sanitary police force be convicted of felony, his pension shall then cease and be forfeited, and his name be stricken from the pension roll.

SECTION 8. That no portion of said pension fund shall either before or after its order of distribution by the said board of trustees to such disabled or retired member of said sanitary police force, be held, seized, taken, subjugated to, detained or levied on by virtue of any attachment, execution, writ, interlocutory, or any process or proceeding whatever, issued out of or by any court in the state, for the payment or satisfaction in whole or in part of any debt, damages, claim, demand, judgment, fine or amercement of such member, but the said fund shall be sacredly kept, held, secured, promoted and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

SECTION 9. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 333L

Passed April 27, 1896.

[House Bill No. 791.]

AN ACT

To authorize cities of the second grade of the first class to procure ground and to construct, erect, maintain and operate a flushing tunnel, and to provide for the issuing of bonds and raising taxes to pay the same.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class in the state of Ohio, be, and it hereby is authorized and empowered to procure, by purchase or appropriation, where necessary, grounds within such city, and to construct, erect, maintain and operate a flushing tunnel within such city, with such necessary machinery and apparatus as the council of any such city shall deem proper and authorize.

SECTION 2. That for the purpose of providing funds for the payment of any and all expenses and obligations that may be incurred in the exercise of any of the authority and power conferred by the foregoing section, any such city be, and it hereby is authorized to issue its bonds in such denominations, payable at such time, or times, not exceeding 30 years from their date, and for such amount, or amounts, not exceeding in the aggregate one million (1,000,000) dollars, as the council of such city may from time to time direct. Said bonds, except as indicated in the foregoing, shall, in all other respects, conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of Ohio; and for the purpose of paying the interest and principal of said bonds, as the same shall become due, said council is hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on the property subject to taxation in such city sufficient in amount to pay such interest and principal, and such taxes shall be levied and collected in the same manner as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
334L

Passed April 27, 1896.

[House Bill No. 790.]

AN ACT

To provide a license on trades, business and professions carried on in cities of the second grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes.

[CLEVELAND.]

SECTION 1. [*License in certain cities.*] *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second grade of the first class no person shall be engaged in any trade, business or profession hereinafter mentioned, until he or she shall have first obtained a license therefor, as hereinafter provided.

SECTION 2. [*Penalty.*] Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand (\$1,000) dollars, nor less than ten (\$10) dollars, or by imprisonment for not more than six months, or both.

SECTION 3. [*License not transferable unless by permission of director of accounts.*] No license granted or issued under any of the provisions of this act shall be in any manner assignable or transferable, or shall authorize any person other than is therein mentioned or named to do business, or shall authorize any other business than is therein mentioned or named to be done or transacted, or the business therein mentioned or named to be done or transacted at any other place than is therein mentioned or named, without permission from the director of accounts of said city indorsed thereon. The director of accounts shall, at the time of granting such permission, immediately record such change or transfer upon the proper registry. A license for any business conducted at any particular or fixed locality shall authorize the transaction of such business by an individual, a firm or a corporation. Every such license shall specify by name the person, firm or corporation to whom it shall be issued and shall designate the particular place at which the business shall be carried on.

SECTION 4. [*Licenses heretofore issued shall be valid.*] All licenses heretofore issued by the mayor or clerk or other duly authorized officer, and now unexpired, shall be valid until the time for which they were granted shall expire.

SECTION 5. [*Sworn statement to be rendered in certain cases.*] In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the amount of sales affected or business transacted, such person, firm or corporation shall render a sworn statement to the director of accounts of the total number of sales made or business done by them, respectively, which statement shall determine the amount for which such license shall be issued.

SECTION 6. [*Evidence of liability.*] Upon the trial of any criminal action brought under or arising from any provision or provisions of this act, the fact that the party thereto represented himself or herself as engaged in any business or occupation, for the transaction of which a license is by this act required, or that such party exhibited a sign indicating such business or calling, shall be conclusive evidence of the liability of such party to pay a license.

SECTION 7. [*License to be exhibited.*] Every person having a license under the provisions of this act shall exhibit the same at all times while in force in some conspicuous part of his or her place of business, and shall produce the same when applying for renewal, or when requested to produce it by any municipal officer, or by any member of the police department. Every peddler, while engaged in peddling, shall carry his or her license, and shall exhibit the same if requested by any municipal officer.

SECTION 8. [*Date and term of license.*] All licenses, excepting to places of amusement, entertainment, performances or exhibitions, shall date from the first day of January or July of each year, and shall be issued for one year from either of the aforesaid dates. All licenses for theatres, concert halls, places of amusement, entertainment, performances

or exhibitions may be issued for the period of one year, or for any shorter time.

SECTION 9. [*When due penalty for delinquency.*] All licenses which shall become due on the first day of January or July, shall be considered delinquent if not paid within fifteen (15) days thereafter; or, for every month or fraction of a month a license shall remain delinquent, after the fifteen days allowed from the first day of January or July, as aforesaid, there shall be added to the whole amount of such license a penalty of two per cent., which shall be collected in the same manner as the license. But the addition, if any penalty to a license shall not exempt the person from whom said license may be collectable from any penalty to which he or she may be liable for violating any of the provisions of this act.

SECTION 10. [*Licenses may be revoked.*] If at any time it shall be made to appear to the satisfaction of the mayor that any licensed person has violated any of the provisions of this act, then the said mayor shall revoke his or her license, and such licensed person shall cease to have any authority thereunder.

SECTION 11. [*Proceedings when license depends upon receipts.*] In all cases where the rates of license depend upon the receipts or the profits of the business, or upon the amount of business done, or upon the number of vehicles used, or upon any other matter peculiarly within the knowledge of the applicant for the license, such applicant may be examined in regard to such matters, and may be required to subscribe to a sworn statement or affidavit, that he has to the best of his knowledge and belief, truly answered all questions touching the amount of license for which he or she applies or is liable. If any person applying for a license shall make any false statement in regard to his or her business, with intent thereby to procure a license at less rates than those provided in this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 2 of this act, and may be adjudged also to forfeit his or her license.

SECTION 12. [*Conviction not to exempt.*] The conviction and punishment of any person for transacting a business without a license shall not excuse or exempt such person from the payment of a license fee due or unpaid at the time of such conviction.

SECTION 13. [*Dance houses and ball rooms.*] Keepers of public dance houses or ball rooms shall pay a license fee of three hundred (\$300) dollars per annum, or ten (\$10) dollars per night; provided, however, that no license shall be issued without the consent of the mayor.

SECTION 14. [*Scavengers.*] Every person, company or corporation who shall empty, clean or remove the contents of any privy vault, or in any manner engage in the business of scavenger, shall pay a license fee of twenty-five (\$25) [dollars] per annum.

SECTION 15. [*Intelligence office.*] Each keeper of an intelligence office or employment office shall pay a license fee of fifty (\$50) dollars per annum; provided, however, that no license shall be issued without the consent of the mayor.

SECTION 16. [*Pawnbrokers.*] Each keeper of a pawnbroker or loan office shall pay a license fee of one hundred and twenty-five (\$125) dollars per annum, and each keeper of a pawnbroker's or loan office, or other person or corporation engaged in carrying on the business commonly known as a chattel mortgage broker, or loaning money, and to

secure the payment of same takes chattel mortgage or other security of like nature on household goods, shall pay a like license fee of one hundred and twenty-five (\$125) dollars per annum.

SECTION 17. [*Billiard and pool tables.*] Each proprietor of a billiard or pool table shall pay a license fee of fifteen (\$15) dollars for one such table and ten (\$10) dollars for each additional table per annum.

SECTION 18. [*Bowling alleys.*] Each proprietor of a bowling alley shall pay a license fee of twenty-five (\$25) dollars for one alley and fifteen (\$15) dollars for each additional alley per annum.

SECTION 19. [*Peddlers.*] Peddlers or hawkers of produce or goods from vehicles drawn by animal power shall pay a license fee of twenty-five (\$25) dollars per annum, and those selling goods from vehicles drawn by hand or carried by one or more persons shall pay a license fee of five (\$5) dollars per annum. Peddlers or hawkers of meat, fish, game, poultry, oysters, vegetables, fruit, candies, groceries, produce or dairy products from stands, shall pay a license fee of fifteen (\$15) dollars per annum; provided that any person selling agricultural produce of his own raising shall not be liable for a license for selling or peddling the same in any mode or manner in the markets, public streets or alleys of said city.

SECTION 20. [*Circuses and menageries.*] For each circus or menagerie the owner thereof shall pay a license fee as follows: For the first day two hundred and fifty (\$250) dollars and for each succeeding day one hundred and fifty (\$150) dollars. For each side-show, concert, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, twenty-five (\$25) dollars for the first day, and fifteen (\$15) dollars for each additional day; provided, however, that no license shall be issued without the consent of the mayor.

SECTION 21. [*Sewerage connections.*] No connection shall be made with any sewer or drain without the payment of a license fee of five (\$5) dollars and an agreement, in writing of the person applying therefor, that he will immediately indemnify and save harmless such city from all loss or damage that may be occasioned in any wise by accident by the want of care or skill on his part in the prosecution of work, or that may be occasioned by reason of any opening made by him or caused to be made in any street, lane, avenue, market-place, or common in the making of any connection with any public or private sewer, as aforesaid; and, further, that he will promptly at the proper time replace and restore the street over such opening to as good condition as he found it previous to opening the same; provided, that no license shall be issued except by consent of the board of control.

SECTION 22. [*Theatres, concert halls, etc.*] Every proprietor or lessee of any theatre, concert hall, or any place of amusement, entertainment, or exhibition, shall pay a license fee, if issued for one year, of one hundred and fifty (\$150) dollars; if issued for three months, of fifty (\$50) dollars; if issued for one month, of twenty-five (\$25) dollars.

SECTION 23. All vendors of gunpowder shall pay a license fee of fifteen (\$15) dollars per annum.

All keepers or owners of gunpowder magazines shall pay a license fee of fifty (\$50) dollars per annum.

SECTION 24. [*Shooting galleries.*] All keepers of shooting galleries shall pay a license fee of thirty (\$30) dollars per annum, exclusive of the license fee for gunpowder.

SECTION 25. [*Livery and sale stables.*] All keepers or owners of livery, sale or boarding stables shall pay licenses as follows: For those whose gross receipts for the hiring, boarding and sale of horses and carriages amount to more than fifteen thousand (\$15,000) dollars per annum, twenty-five (\$25) dollars per annum. For those whose gross receipts amount to less than fifteen thousand (\$15,000) dollars per annum, fifteen (\$15) dollars per annum.

SECTION 26. [*Dancing and riding academies.*] Keepers of dancing and riding academies or schools whose gross receipts are less than six thousand (\$6,000) dollars per annum, shall pay a license fee of fifty (\$50) dollars per annum; and those whose gross receipts are more than six thousand (\$6,000) dollars per annum, shall pay a license fee of seventy-five (\$75) dollars per annum.

SECTION 27. [*Use of streets for building material.*] Each applicant for the use of streets or other spaces belonging to the city, for the purpose of depositing building material thereon or for any other purpose, shall pay a license fee for each permit, as follows: For the use of twenty (20) feet or less, one dollar; for the use of more than twenty (20) feet and less than forty (40) feet, two (\$2) dollars; for the use of more than forty (40) feet and less than seventy-five (75) feet, four (\$4) dollars; for the use of more than seventy-five (75) feet and less than one hundred (100) feet five (\$5) dollars; for one hundred (100) feet and over, ten (\$10) dollars; provided, that no license shall be issued except by consent of the board of control.

SECTION 28. [*Hacks and vehicles.*] The owners of all vehicles of every kind used upon the streets of the city, shall pay annual license fees as follows:

For each sulky, three (\$3) dollars.

For each cab or hack, owned by private party or parties and used generally or entirely for private use, fifteen (\$15) dollars.

For each cab or hack used generally for public use, from stands, (so-called) on the streets, ten (\$10) dollars.

For each cab or hack used in other manners than above mentioned, five (\$5) dollars.

For each buggy or vehicle with two seats or more, drawn by more than one animal power, ten (\$10) dollars.

For each single buggy or private carriage, drawn by one horse, three (\$3) dollars.

For each hotel coach or carriage, ten (\$10) dollars.

For each furniture car, ten (\$10) dollars.

For each two horse omnibus, ten (\$10) dollars.

For each four horse omnibus, fifteen (\$15) dollars.

For each six horse omnibus, twenty (\$20) dollars.

For each cart drawn by one horse, three (\$3) dollars, drawn by two horses, six (\$6) dollars.

For each wagon (with springs) drawn by one horse, three (\$3) dollars.

For each wagon (with springs) drawn by two horses, six (\$6) dollars.

For each wagon (with springs) drawn by three horses, nine (\$9) dollars.

For each wagon (with springs) drawn by four horses, twelve (\$12) dollars.

For each wagon (with springs) drawn by five horses, fifteen (\$15) dollars.

For each wagon, dray, truck or drag (without springs) drawn by one horse, three (\$3) dollars.

For each wagon, dray, truck or drag (without springs) drawn by two horses, six (\$6) dollars.

For each wagon, dray, truck or drag (without springs) drawn by three horses, nine (\$9) dollars.

For each wagon, dray, truck or drag (without springs) drawn by four horses, twelve (\$12) dollars.

For each wagon, dray, truck or drag (without springs) drawn by six or more horses, fifteen (\$15) dollars.

Provided that none of the provisions of this act shall be held to apply to farmers marketing the products of their farms; nor shall any farmer be liable whatever to vehicles or any license whatever for marketing, selling or peddling the products of their farms in cities of the second grade of the first class; nor shall any of the provisions of this act be held to provide to gardeners, fruit growers or florists who reside out of the city; nor to any person living without said city and engaged in hauling goods or merchandise to and from said city; all others, however, and dairymen living without said city, shall pay a license upon their vehicles used upon the streets of said city, as follows:

For each one-horse wagon, three (\$3) dollars per annum.

For each two-horse wagon, six (\$6) dollars per annum.

For each three or four-horse wagon, ten (\$10) dollars per annum.

And be it further provided that all persons or firms using any vehicles except cabs, hacks, sulkies, buggies, and carriages, upon the streets of any such city, for which annual license fees are required by law to be paid, shall exhibit in a conspicuous place upon the left side of the harness of an animal attached to same, a metal plate sign, furnished or to be furnished by the director of accounts, indicating the year for which such license has been taken, and the number and character of such license. And the director of accounts in cities of the second grade of the first class is hereby required to furnish with every license issued for every such vehicle used upon the streets of any such city, one metal plate sign, having printed, painted or stamped thereon the year for which the license has been taken out, together with the character and number of the same.

SECTION 29. [*Storage of petroleum.*] Storage of petroleum, or the products of petroleum, shall be subject to such rules and regulations as are or may be adopted by the city council, and shall pay a license fee of fifty (\$50) dollars per annum; provided that no license shall be issued without the consent of the director of fire service.

All persons selling goods described in this section shall not be subject to license fee if the same is sold by them from wagons in retail way, and in that case they shall be subject to the fees heretofore named for wagons, trucks, drays or drags without springs.

SECTION 30. [*Bicycles.*] The license tax on every bicycle shall be seventy-five (\$.75) cents per annum. Provided, whenever a bicycle check issued by the director of accounts has been lost, taken or stolen unknown to the owner of such bicycle, he may on payment of twenty-five (\$.25) cents and on making and subscribing to an affidavit, receive from the director of accounts a duplicate bicycle check for the remaining portion of the then current year.

SECTION 31. [*Street car advertising.*] Any person or persons, firm or firms engaged in the street car advertising business or any other kind of advertising business where space is rented, bought or sold, or in any other manner, shall pay an annual license fee of two hundred (\$200) dollars per annum.

SECTION 32. [*Money payable to director of accounts.*] All moneys due or to become due and payable to the director of accounts for the improvement of streets and the occupation of stalls and benches, market grounds and ground for market purposes, and all moneys due or to become due and payable for street car licenses, or for percentage of gross earnings, to the director of accounts or to any other municipal officer, except as hereinafter provided shall from and after the passage of this act be made payable to the director of accounts, who shall daily deposit the same with the city treasurer to the credit of the proper funds and take his receipt therefor.

SECTION 33. [*Dogs.*] The license tax on every dog shall be two (~~\$2~~) dollars per annum; provided whenever a dog check issued by the director of accounts has been lost, taken or stolen by parties unknown to the owner of such dog, he may on payment of fifty (\$50) cents and on making and subscribing to an affidavit, receive from the director of accounts a duplicate dog check for the remaining portion of the then current year.

SECTION 34. [*Street musicians.*] Street musicians shall pay a license fee of twenty-five (\$25) dollars per annum for each instrument used, but no license shall be issued except by consent of the mayor.

SECTION 35. [*Bill posters.*] Bill posters, advertising sign painters and street car advertisers shall pay a license fee of twenty-five (\$25) dollars per annum.

SECTION 36. [*Second-hand articles and junk dealers.*] Every dealer in second-hand articles and keepers of junk shops shall pay a license fee of twenty-five (\$25) dollars per annum.

SECTION 37. [*Astrologers, fortune tellers, seers, etc.*] Astrologers, fortune tellers, clairvoyants, palmisters, seers, etc., shall pay a license fee of three hundred (\$300) dollars per annum.

SECTION 38. [*Auctioneers.*] Auctioneers shall pay a license fee as follows:

First—Those whose sales amount to one million (\$1,000,000) dollars or over per annum, seven hundred and fifty (\$750) dollars per annum.

Second—Those whose sales amount to six hundred thousand (\$600,000) dollars and less than one million (\$1,000,000) dollars per annum, five hundred (\$500) dollars per annum.

Third—Those whose sales amount to three hundred thousand (\$300,000) dollars and less than six hundred thousand (\$600,000) dollars per annum, two hundred and fifty (\$250) dollars per annum.

Fourth—Those whose sales amount to one hundred and fifty thousand (\$150,000) dollars and less than three hundred thousand (\$300,000) dollars per annum, one hundred (\$100) dollars per annum.

Fifth—Those whose sales amount to seventy-five thousand (\$75,000) dollars and less than one hundred and fifty thousand (\$150,000) dollars per annum, fifty (\$50) dollars per annum.

Sixth—Those whose sales amount to less than seventy-five thousand (\$75,000) dollars per annum, twenty-five (\$25) dollars per annum.

SECTION 39. [*Authority to charge fees.*] In all cities of the second grade and of the first class the board of control and the city council are hereby empowered and authorized to charge and collect by ordinance a license fee per annum upon any and all kinds of business, matters and things similar to, related with, or growing out of, or distinct from, but of a general character as these.

SECTION 40. [*Commissioner of licenses.*] There shall be an officer known as the commissioner of licenses who shall have general supervision of the enforcement of all laws and ordinances pertaining to this act, and who shall receive a compensation of 3 per cent. on the first \$60,000 collected, 2 per cent. on the next \$40,000 collected, and one per cent. on sums above \$100,000. Said commissioner of license shall give a bond with good and sufficient sureties to such cities as herein named in the sum of twenty thousand (\$20,000) dollars, to be approved by the city council. Said commissioner of license shall be appointed by the director of police for the period of two years. All moneys for licenses shall be paid to the commissioner of licenses, except as hereinbefore provided, who shall deposit the same with the city treasurer daily and to the credit of the proper funds and take the city treasurer's receipt therefor, and shall issue a certificate to the city auditor showing the amount and kind of license to which the person or firm is entitled and upon the receipt of such certificate by the director of accounts he shall issue a license to such person or firm, according to all provisions of this act or such ordinance as may be hereinafter established by the city council.

SECTION 41. [*Duty of commissioner of licenses.*] It shall be the duty of the commissioner of licenses, in connection with the director of accounts, with the mayor, director of police and the police to enforce the payment of licenses, to examine places of business and persons who are liable to pay licenses, and to see that such licenses are taken out, and that no other business than that described in the license is carried on or transacted by the party and at the place named in the license.

SECTION 42. [*Trade or occupation.*] Every person engaged in any trade, occupation or profession for which a license is imposed by this act, and that may be hereafter imposed by the city council in cities of the second grade of the first class, shall at the time of procuring same make application to the commissioner of license, and shall state under oath or affirmation such facts as may be applicable to said business. The commissioner of license shall then issue to the applicant a certificate stating the particular kind of license for which application has been made and the amount of money required by law to be paid therefor to him. Said certificate shall be delivered to the director of accounts, who shall, upon the acceptance of such certificate, which shall show the amount of money so paid, issue a license or check in accordance therewith.

SECTION 43. [*Transaction of commissioner on record.*] The commissioner of licenses shall sign, issue and keep a record of all transactions in books to be prepared for that purpose, as follows:

First—A book to be designated "a license cash book," in which entries shall be made under appropriate headings showing the receipts each day, the name of parties receiving licenses, their residence or place of business, the number and class of license issued, the amount received for each license and the period of time for which each license is issued, with references to the number and page of the ledger (hereinafter provided for), wherein the same is entered.

Second—A book to be designated as “a license ledger,” in which entries of all moneys received for licenses shall be posted from the cash book by the director of accounts. In said ledger shall be entered in alphabetical order under appropriate headings, the names of parties to whom licenses have been issued, their residence or place of business, the period for which the licenses have been issued, the amount received for each license and the date of payment.

Third—The director of accounts shall also keep such other book or books as shall in his judgment be necessary, and all the books herein provided to be kept, shall have such additional entries made in them respectively as may be required by him; and the director of accounts is hereby authorized to employ such assistants as shall in his judgment be necessary to enforce the provisions of this act and to keep a correct record of all proceedings pertaining thereto, who shall be paid, together with all charges for books hereinbefore provided, out of the general salary fund of the director of accounts. Said salaries for said employees, except as named shall be fixed by the city council.

SECTION 44. [*Duty of police to enforce this law.*] It shall be the duty of all police or other officials clothed with police power to enforce the provisions of this act.

SECTION 45. [*Ordinances conflicting with ordinances.*] All acts and parts of acts, ordinances and parts of ordinances conflicting with any of the provisions of this act, be and the same are hereby repealed, as to cities of the second grade and of the first class.

SECTION 46. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

335L

[House Bill No. 789.]

AN ACT

To authorize the township trustees of Polk township, Crawford county, to construct a sidewalk to Fairview cemetery, and to issue bonds, make assessments and levy a tax for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Polk township, Crawford county, are hereby authorized and empowered to construct a sidewalk on the east side of the Fairview road therein from the north corporate limits of the city of Galion to the entrance to the Fairview cemetery.

SECTION 2. Said sidewalk shall be constructed of sawed stone flagging, shall not be less than six feet wide, and shall be laid to a grade to conform to the grade of the macadamized roadway on said road.

SECTION 3. Said township trustees shall cause plans and specifications of said sidewalk to be made and filed with the township clerk, and shall let the contract therefor upon notice published for at least thirty days, in one or more newspapers published in said township, to the lowest

responsible bidder, and bids shall be received separately for grading and for furnishing and for laying stone.

SECTION 4. The work of laying said sidewalk shall be done under the direction of the superintendent of improved roads of said township, and payment therefor shall be made upon estimates duly certified by him.

SECTION 5. Said township trustees shall assess the several tracts and parcels of land fronting or abutting upon the east side of said Fairview road, in the following proportion, to pay for the cost of the construction of said sidewalk, to wit:

1. Upon the three hundred feet fronting or abutting thereon next north of the corporate limits of the city of Galion, one-half of the cost of the same.

2. Upon the three hundred feet next north of the first named, one-third of the cost thereof.

3. Upon the four hundred feet next north of the second named, one-fourth of the cost thereof; and

4. Upon all the frontage between last named and the south line of Fairview cemetery, one-eighth of the cost thereof; the part of the cost to be assessed to be the part of the cost named of that part of said sidewalk which is constructed in front of the premises indicated.

5. Upon Fairview cemetery the sum of three hundred and fifty dollars.

6. Upon Mt. Calvary cemetery the sum of one hundred dollars.

SECTION 6. Said assessment shall be payable in five equal annual installments, as follows:

For the year 1896, one-fifth part thereof.

For the year 1897, one-fifth part thereof.

For the year 1898, one-fifth part thereof.

For the year 1899, one-fifth part thereof; and

For the year 1900, one-fifth part thereof, with interest on deferred installments from the first day of September, 1896, and shall be paid to the treasurer of said township, on or before the twentieth day of September each year, taking his duplicate receipt therefor, one of which shall be filed with the township clerk; and in case of default of payment as herein provided, the clerk of said township shall certify all unpaid assessments to the auditor of said county, who shall place the same upon the tax duplicate to be collected as other taxes, together with a penalty of five per centum.

SECTION 7. The residue of the cost of construction of said sidewalk shall be paid by said township trustees out of the township treasury, and shall be assessed upon all the taxable property within said township.

SECTION 8. To provide a fund for the payment of said improvement, in anticipation of the collection of the assessment and tax levy herein provided for, said township trustees shall issue the bonds of said township, not exceeding the sum of thirty-five hundred dollars in the aggregate, each for one-fifth part of the cost of the same, payable at the township treasury at one, two, three, four and five years from the date thereof, with interest thereon at the rate of six per cent. per annum, payable semi-annually; said bonds shall be advertised and sold for not less than their par value, and the proceeds thereof shall be applied to the payment of said sidewalk and the planting of trees along the same, and for no other purpose.

SECTION 9. To provide a fund for the redemption of said bonds and the payment of the interest thereon, in addition to that provided for in the assessments herein directed to be made, said township trustees shall levy a tax, in addition to the other taxes authorized by law, not to exceed four-tenths of one mill in any one year, upon all the taxable property within said township, for the period of five years from and after the passage of this act.

SECTION 10. The trustees of said township shall provide for the keeping in repair of said sidewalk, and are authorized and empowered to prescribe rules and regulations for the protection of the same and penalties for their violation.

SECTION 11. Before the trustees of said township shall incur any expense or levy any taxes under the provisions of this act, they shall first submit to the electors of said township the question of building said sidewalk at a special or regular election. Notice of such election shall be given by publication in one or more of the newspapers published in said township. The tickets to be voted at said election shall have written or printed thereon, "Authority to build cemetery sidewalk, Yes," or "Authority to build cemetery sidewalk, No." If the proposition to build said cemetery sidewalk is approved by a majority of all the voters voting at said election, the trustees of said township shall then have authority to issue bonds for an amount not to exceed the amount designated in this act, and to levy a tax therefor, as hereinbefore provided.

SECTION 12. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

336L

[House Bill No. 785.]

AN ACT

To authorize and direct the commissioners of Butler county to build a bridge across the "Miami and Erie canal," and to issue the bonds of the county for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county be and they are hereby authorized to build a bridge across the Miami and Erie canal at a point where Third street intersects said canal, in the city of Middletown, in said county, and to construct the necessary approaches thereto.

SECTION 2. That said bridge shall be of the full width of said Third street measuring from lot line to lot line on either side of said street; the roadway in said bridge shall be of full width of the roadway in said Third street, measuring from curb to curb on either side thereof; and the sidewalks of said bridge shall be of the same width as, and shall be continuations of the sidewalks of said Third street.

SECTION 3. That for the purpose of providing for the cost of said bridge, the county commissioners of said county are hereby authorized and directed to borrow such a sum of money as they may deem necessary.

not exceeding the sum of ten thousand dollars (\$10,000) and to issue the bonds of said county of Butler with interest coupons attached thereto therefor; that said bonds shall be payable at such times as the said county commissioners may direct, and shall bear interest at a rate not to exceed four and one-half per cent. per annum, payable semi-annually, on the first days of January and July of each year respectively, at the office of the county treasurer of said county on presentation of the proper interest coupons; that said bonds shall all bear the same date and shall be sold for not less than their par value with accrued interest, and the proceeds arising from the sale of said bonds shall be applied solely to the purpose of building said bridge.

SECTION 4. That the bonds so issued shall be signed by the commissioners, and be countersigned by the auditor of said county, and be sealed with the county seal of said county, with interest bearing coupons signed by the auditor. Said bonds shall be issued in denominations of not less than five hundred dollars nor larger than one thousand dollars, and said bonds shall specify distinctly the object for which they are issued.

SECTION 5. For the purpose of paying the principal and interest of the said bonds as the same shall respectively become due and payable the said county commissioners are hereby authorized and directed to levy annually, in addition to other taxes levied and collected, such an amount as will pay the principal and interest of the said bonds, and to create a sinking fund to pay the said bonds when due.

SECTION 6. The bonds issued for the object stated in this act shall be considered and held to be issued under the general statutes of Ohio, except so far as modified in this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
337L

Passed April 27, 1896.

[House Bill No. 788.]

AN ACT

To authorize the township trustees of Polk township, Crawford county, to build a monument or memorial tablet, commemorative of the deceased soldiers of said township, to secure a site and to levy a tax for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Polk township, Crawford county, Ohio, be and they are hereby authorized and empowered to levy a tax upon all the taxable property of said township, not exceeding the two mills upon each dollar thereof, not more than one-fifth of which shall be levied and collected in any one year, for the purpose of erecting a suitable structure commemorative of the services, patriotism, and valor of the soldiers of the Union army in the war of the rebellion, who enlisted from said Polk township and died in the service, or who are buried in any cemetery therein, and of purchasing or securing a suitable site therefor.

SECTION 2. All plans and specifications for said structure and the site therefor, together with the contract for the construction of the same, shall be subject to the joint approval of said township trustees and a committee of the organized surviving soldiers of said rebellion in said township and the building of said structure shall be supervised by them jointly and the bills of expense for the same shall be paid upon vouchers approved by said trustees; provided, however, that the entire cost of said structure and the site therefor, shall not exceed the amount realized from the levy herein authorized and, provided further, that no compensation shall be paid to said township trustees or to said committee of soldiers for any services rendered under the provisions of this act.

SECTION 3. In case it should become necessary in order to expedite the completion of said monument, said trustees are hereby authorized to issue the bonds of said township, in anticipation of the levy of the taxes herein authorized, bearing interest at a rate not exceeding six per cent. and maturing as near the time when such taxes will be paid, as may be, and to sell the same at not less than their par value, but the aggregate of the bonds so issued shall not exceed the amount which will be realized from the levy herein authorized, but said trustees are hereby authorized to levy such additional tax as may be necessary to pay the interest on such bonds.

SECTION 4. Before the trustees of said township shall incur any expense or levy any taxes under the provisions of this act, they shall first submit to the qualified electors of said township the question of issuing said bonds and levying a tax therefor, at a special or regular election. Notice of such election shall be given by publication in one or more of the newspapers in said township. The tickets to be voted at said election shall have written or printed thereon: "Authority to issue bonds for a soldiers' monument—Yes," or "Authority to issue bonds for a soldiers' monument—No." If the proposition to issue said bonds is approved by a majority of all the voters voting at said election, the trustees of said township shall then have authority to issue bonds in compliance with the provisions of this act and levy a tax as hereinbefore provided.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

338L

[House Bill No. 745.]

AN ACT

To amend section 9 of an act to require the county commissioners in counties containing a city of the third grade of the first class to provide a depository for the public money, and for other purposes of an act passed April 13, 1888.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 9 of an act passed April 13, 1888 (85 O. L., 243) be amended so as to read as follows:

SEC. 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected as such depositary, deposit, to the credit of the county, all money in his possession, except as provided in section fourteen, in the bank constituted the depositary as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depositary all money received by him the preceding business day, except as provided in section fourteen; and such money shall be payable only upon check (numbered to correspond with the warrant authorizing it) to be written by the auditor, and signed, first by him in the lower left-hand corner, and then by the treasurer in the lower right-hand corner, and dated by the treasurer on the day it shall be signed by him; and such check shall not be valid or payable unless there shall appear on its face, over the signature of the auditor, a statement partly printed and partly written thereon showing by what authority said warrant and check is issued. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the money of the county is in the custody of the treasurer), shall be drawn and signed by the county auditor and shall be kept and filed by the treasurer in his office; and the auditor shall take a receipt for each warrant issued and file the same in his office. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provision of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it may judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order directing such assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with the depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. The depositary shall notify the auditor, in writing, before noon of each business day, of the amount of deposits made by the treasurer for the preceding business day, and when the interest is credited to the county, the depositary shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

SECTION 2. That section 9 of said act be and the same is hereby repealed and this act shall be in force on its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Passed April 27, 1896.

339L

[House Bill No. 768.]

AN ACT

To supplement an act passed by the General Assembly of the State of Ohio, March 21, 1894, entitled "An act to provide for the improvement of public roads in any county which at the last federal census had, or any succeeding census may have, a population of not less than twenty-nine thousand and fifty and not more than twenty-nine thousand and eight hundred."

[VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act passed by the General Assembly of the state of Ohio, March 21, 1894, entitled "An act to provide for the improvement of public roads in any county which at the last federal census had, or any succeeding census may have, a population of not less than twenty-nine thousand and fifty and not more than twenty-nine thousand and eight hundred," be and hereby is supplemented as follows:

SEC. 22. Whenever proceedings for the improvement of public roads in any election precinct have been commenced in accordance with the provisions of said act, the county commissioners of the county in which such precinct is situated, shall annually for four years next ensuing after such proceedings have been commenced cause additional extra taxes to be levied on all taxable property real and personal within such precinct in addition to the taxes and levies provided for by said act, to such an amount that the annual levy hereby required together with the annual levy that may be made in accordance with the provisions of said act shall both aggregate twenty mills on the dollar valuation; if in any of said four years no levy shall be made under the provisions of said act then said additional levy hereby required shall be twenty mills on the dollar valuation; said additional extra taxes shall be levied and collected as other taxes are levied and collected. The money realized from the additional levy hereby required shall be paid by the county treasurer of such county to the road commissioners of such precinct on their order to be used by them for the improvement of public roads of such precinct in accordance with the provisions of said act, in addition to the amount expended for such purpose as provided by said act. The bonds provided for by said act shall be issued and signed by such county commissioners instead of such road commissioners, and said bonds shall be payable in fifteen annual installments for a period ending at a time not exceeding twenty years from date of issue; provided that the acts and requirements set forth in this supplemental section are asked for by a majority of all the land owners who own land lying within the bounds of such precinct who are residents of such county, by a petition presented to such county commissioners at the time the petition required by section one of said act is presented.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

340L

[House Bill No. 739.]

AN ACT

To authorize the council of any incorporated village in the state of Ohio which contained at the last federal census, or which at any subsequent federal census may contain a population of not less than 1,080 and not more than 1,100, to issue bonds for the purpose of erecting, constructing, operating and maintaining an electric light plant, for lighting streets, avenues, alleys and public places in said village, and supplying lights for private use.

[CHARDON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village in the state of Ohio which at the last federal census contained, or which at any subsequent federal census may contain a population of not less than one thousand and eighty, nor more than one thousand and one hundred, be and the same are hereby authorized to issue the bonds of such village in any sum not exceeding eight thousand dollars, for the purpose of constructing, erecting, operating and maintaining an electric light plant for lighting the streets, avenues, alleys and public places of such village, and furnishing the same to the citizens thereof at such prices as said council may deem proper.

SECTION 2. Said bonds shall be issued and sold as other bonds are issued and sold under existing laws for other public improvement. They shall bear date the day of issue, shall express upon their face the purpose for which they are issued and sold, the act of the general assembly by which said issue and sale are authorized, shall be signed by the mayor under the seal of the corporation and attested by the clerk of the village the same as other bonds now authorized by law for public improvements, and said bonds shall be of such denominations as the council may direct.

SECTION 3. Said bonds shall run for a time not longer than (20) twenty years from the date of their issue and shall, together with interest, be payable at such places as the council may direct.

SECTION 4. Said bonds shall draw interest at a rate not exceeding six (6) per cent. per annum, payable semi-annually. The money obtained from the sale of such bonds shall be paid into the hands of the treasurer of such village who shall hold and disburse the same as other funds.

SECTION 5. Before any such bonds shall be issued and sold the question of the issue and sale for the purpose herein specified shall be submitted to the qualified electors of such village, at a regular or special election called for the purpose of voting on such question, notice of which election, at least ten days prior to the day of holding the same, shall be given by the clerk of such village in all the newspapers published and in general circulation in such village. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such village. Those voting in favor of the issue of such bonds shall have written or printed on their ballots the words "For the issue of electric-light bonds—Yes"; and those voting against the same, the words "For the issue of electric-light bonds—No." If a majority of such electors voting on said question shall vote "yes," then the council of such village shall have authority and proceed to issue and sell said bonds, and not otherwise.

SECTION 6. Said council is hereby authorized, if a majority thereof deem it necessary, to levy a tax sufficient to pay said bonds and the interest which may accrue thereon as they become due, in addition to that now authorized by law on all taxable property of said village.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

341L

[House Bill No. 736.]

AN ACT

To divide Green township, Hocking county, Ohio, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Green, in the county of Hocking, be and the same is hereby divided into three election precincts, as follows: That all the territory, included within sections one (1), two (2), seven (7), eight (8), thirteen (13), fourteen (14), fifteen (15), nineteen (19) and twenty (20) in said named township, shall constitute and be known as the Haydenville precinct, and elections shall be held at Haydenville, in said precinct. That all the territory included within sections three (3), four (4), five (5), six (6), nine (9), ten (10), eleven (11), twelve (12), seventeen (17) and eighteen (18) in said named township, shall constitute and be known as the Glendale precinct, and elections shall be held at Glendale, in said precinct. That all the territory included within the remaining sections of said township shall constitute and be known as the Green precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

342L

[House Bill No. 735.]

AN ACT

To create a special school district in Murray City, Ward township, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in Ward township, Hocking county, Ohio, be and the same is hereby declared to be a special school district, to be known as the "Murray City special school district," to wit: Commencing at the southeast corner of the northeast quarter of section number three (3) township number thirteen (13) range number fifteen

(15), Ward township, Hocking county, Ohio; thence north with section lines to the northeast corner of the southeast quarter of section number four (4) in said township; thence west to the northwest corner of said last described quarter section; thence south to the southwest corner of the northeast quarter of said section number three (3); thence east to the quarter section corner and place of beginning, and in which described township the village of Murray City, Hocking county, Ohio, is situated, be and the same is hereby made a special school district to be known as the "Murray City special school district," of Ward township, Hocking county, Ohio.

SECTION 2. All of the school property situated within said territory shall be the property of said special school district.

SECTION 3. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for contingent expenses, in accordance with the enumeration of the year 1895 of children who are entitled to attend school. Said funds being now collected within the county and township treasury, or which may be collected, and shall in all respects be governed by such laws as now are or may be enforced relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 343L

Passed April 27, 1896.

[House Bill No. 732.]

AN ACT

To amend section 29 of an act entitled "An act to provide a license on trades, business, and professions carried on in cities of the first grade of the first class; and providing for the enforcement and collection of fines and penalties for carrying on business without license and for other purposes", passed April 16, 1893 (O. L. Vol. 80, p. 129), as amended February 21, 1893 (O. L. Vol. 90, p. 253).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 29 of an act entitled "An act to provide a license on trades, business, and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license and for other purposes," passed April 16, 1893 (O. L. vol. 80, p. 129) as amended February 21, 1893 (O. L. vol. 90, p. 253), be amended so as to read as follows:

SEC. 29. The owners of all vehicles used upon the streets of the city shall pay annual license fees, as follows:

For each sulky, five (\$5) dollars.

For each cab or hack, five (\$5) dollars.

For each buggy or private carriage, five (\$5) dollars.

For each hotel coach or carriage, ten (\$10) dollars.

For each furniture car, ten (\$10) dollars.

For each two-horse omnibus, ten (\$10) dollars.

For each four-horse omnibus, fifteen (\$15) dollars.

For each six-horse omnibus, twenty-five (\$25) dollars.

For each cart—

Drawn by one horse, three (\$3) dollars.

Drawn by two horses, ten (\$10) dollars.

For each wagon (with springs)—

Drawn by one horse, three (\$3) dollars.

Drawn by two horses, ten (\$10) dollars.

Drawn by three horses, fifteen (\$15) dollars.

Drawn by four horses, twenty (\$20) dollars.

Drawn by six horses, twenty-five (\$25) dollars.

For each wagon, dray, truck or drag (without springs)—

Drawn by one horse, five (\$5) dollars.

Drawn by two horses, fifteen (\$15) dollars.

Drawn by three horses, twenty (\$20) dollars.

Drawn by four horses, twenty-five (\$25) dollars.

Drawn by six or more horses, thirty (\$30) dollars.

Provided, that none of the provisions of this act shall be held to apply to farmers marketing the products of their farms; nor shall farmers be liable for vehicles or any license whatever for marketing, selling, hawking, or peddling the products of their farms, or for hauling any produce into or from said city to the country, in cities of the first grade of the first class; nor shall the provisions of this act be held to apply to gardeners, fruit-growers, or florists. Dairymen living without said city shall pay license fees upon their vehicles used upon the streets of said city as follows:

For each one-horse wagon, three (\$3) dollars.

For each two-horse wagon, five (\$5) dollars.

For each three or four-horse wagon, ten (\$10) dollars.

SECTION 2. That said original section 29 of said act as amended February 21, 1893 (O. L. vol. 90, p. 253), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

344L

[House Bill No. 724.]

AN ACT

To detach certain territory from White Oak special school district in the township of Madison, county of Fayette, and state of Ohio, and attach to subdistrict No. 4 in said Madison township, Fayette county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to wit: Beginning at a point where the center of Thompson's Fork crosses the land line of John Lindsey's estate; thence in a northwesterly direction with the center of said Fork and up the same to the township line; thence with said town-

ship line and in a southeasetrly direction to the center of the Harrison pike; thence with the center of said pike in a southeasterly direction to an angle in said pike and southwest corner to R. S. and Mary P. Quinn's land; thence with said Quinn's line in a northeasterly direction to their corner, also northwest corner to the Hoyte estate; thence in a southeasterly, easterly, southeasterly, easterly and southeasterly direction with the several lines of the said Hoyte estate to the corner to said estate and the estate of the said John Lindsey; thence with the line of said Lindsey's estate in a northeasterly direction to the beginning, situate in the White Oak special school district and in the township of Madison, county of Fayette and state of Ohio, be and the same is hereby detached from said White Oak special school district, and attached to and made a part of subdistrict No. 4 of said Madison township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
345L

Passed April 27, 1896.

[House Bill No. 604.]

AN ACT

To authorize the council of cities of the second class, third grade *a*, to issue bonds for street improvements.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto concurring and declaring the same to be necessary, be and it is hereby authorized and empowered to issue bonds of said city, for the purpose of paying such portion of the cost and expense of paving or otherwise improving its streets, as to the council may seem equitable and just, not exceeding in the aggregate the sum of twenty thousand dollars.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding six (6) per cent. per annum, payable semi-annually, as such council may by ordinance determine, they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which such bonds are issued and said bonds shall be designated, street improvement bonds.

SECTION 3. The council of any such city is hereby authorized, empowered and directed to levy and collect from time to time, upon all taxable property of such city, a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 346L

Passed April 27, 1896.

[House Bill No. 566.]

AN ACT

To create Eden township, Wyandot county, into a special road district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Eden, situate in the county of Wyandot, be and the same is hereby constituted and made a separate and independent road district, for the purpose of macadamizing, working, repairing and improving the roads and highways in said township as herein set forth and independent of and free from the operation of existing laws relating to the improvement of roads and highways and of all other laws not consistent or in harmony with the provisions of this act.

SECTION 2. After the passage of this act, road supervisors for the districts into which the said township has heretofore been divided shall not be elected or appointed in said township.

SECTION 3. That at the April election in the year 1896 and each year thereafter, there shall be elected in said township an officer to be known as road commissioner of said township for the period of one year and until his successor is elected and qualified and the township trustees may fill any vacancy in said office for the unexpired term of such road commissioner, who shall, whether elected or appointed, give bond to said township trustees for the sum of fifteen hundred dollars with at least two sureties to be approved by the said trustees, conditioned for the honest and faithful discharge of his duty as may pertain to his office, and shall take an oath of office and when there is an actual necessity therefor the said road commissioner may call to his assistance the said trustees or any one of them whose allowance shall be the same as for other township services. Said road commissioner shall be allowed and paid out of the general fund of the township or out of the road fund on the allowance and approval of the township trustees one dollar and fifty cents per day for each full day of ten hours actually and necessarily devoted to the performance of his official duties as herein set forth and the amount due for such services shall be settled and paid at least once every three months and the said road commissioner shall in presenting a claim for services, make a full itemized statement of such services and the trustees shall allow only so much thereof as is just and right.

SECTION 4. That the said road commissioner is hereby authorized to improve and cause to be improved the roads of said township that are state, county, or township roads, by causing them to be graded, scraped, leveled, graveled or macadamized, or otherwise improved as may be necessary and proper, and to construct a dirt track side of and parallel with said graveled or macadamized track except at such place or places where the expense of constructing such dirt road would be unreason-

able. The tax payers of each school district may determine by petition or otherwise the place of beginning of said improvements; in the absence of such determination, or in case of a tie vote the road commissioner shall determine said place of beginning. That said road commissioners shall have same powers in enforcing the two days road work as is conferred by law upon township supervisors.

SECTION 5. For the purpose of making said improvements as herein authorized the township trustees are authorized to levy and assess annually a tax not to exceed three mills on the dollar of all taxable property in said township, including the tax for roads now authorized by law, to be made and certified the same as other township levies, and the tax shall be collected and paid over the same as other taxes, and all road taxes shall be payable in money except as herein provided and when collected and received shall constitute the township road fund, and shall be used wholly in making the improvements as herein authorized and for no other purpose, provided two mills of said road tax levied may be paid in labor, to be performed at such place or places and time as the road commissioner may direct from time to time, in repair of said roads or in making said improvements and to be done under the direction and control of said road commissioner and for that purpose his certificate to the extent of the labor actually performed and not to exceed the amount of the tax that might be lawfully paid in labor shall have the same force and effect as the certificate of road supervisors in other cases. But laborers shall not be credited with more for their labor of whatsoever kind than they can earn in hauling gravel at the following schedule:

SCHEDULE.

- 20 cents per yard for $\frac{1}{2}$ mile and less.
- 25 cents per yard for 1 mile and over $\frac{1}{2}$ mile.
- 30 cents per yard for $1\frac{1}{2}$ mile and over 1 mile.
- 35 cents per yard for 2 miles and over $1\frac{1}{2}$ mile.
- 40 cents per yard for $2\frac{1}{2}$ miles and over 2 miles.
- 45 cents per yard for 3 miles and over $2\frac{1}{2}$ miles.
- 50 cents per yard for $3\frac{1}{2}$ miles and over 3 miles.
- 55 cents per yard for 4 miles and over $3\frac{1}{2}$ miles.
- 60 cents per yard for $4\frac{1}{2}$ miles and over 4 miles.
- 65 cents per yard for 5 miles and over $4\frac{1}{2}$ miles.
- 70 cents per yard for $5\frac{1}{2}$ miles and over 5 miles.
- 75 cents per yard for 6 miles and over $5\frac{1}{2}$ miles.
- 80 cents per yard for $6\frac{1}{2}$ miles and over 6 miles.
- 85 cents per yard for 7 miles and over $6\frac{1}{2}$ miles.
- 90 cents per yard for $7\frac{1}{2}$ miles and over 7 miles.

If any tax-payer performs, or causes to be performed, more labor in any one year than the levy calls for that he may lawfully perform in labor, the road commissioner shall give such tax-payer credit in a book kept for that purpose by the road commissioner and a voucher bearing the amount of such over work, and said tax-payer may present such voucher in subsequent years to the road commissioner, and receive a certificate to present to the county treasurer in lieu of such levy as may be lawfully performed in labor, but the said vouchers or accounts shall in no case become interest-bearing, and the said trustees or road commissioner shall have no power whatsoever to create an interest-bearing debt on said township.

SECTION 6. For the purpose of making said improvements the township trustees shall have power to purchase such necessary implements, machinery, appliances and stone or gravel, and to let contracts for grading hills, whenever, in the estimation of the road commissioner, it would be expedient and proper. Said contracts to be advertised and let the same as other township work, before the same shall become operative, shall first be submitted to a vote of the qualified electors of said Eden township, Wyandot county, Ohio, and if said act be ratified and affirmed by a majority of all the votes cast for or against said proposition, at any general election held in said township of Eden, or by a special election to be called by the trustees for that purpose, and in either case by giving notice thereof, in writing for ten days and said notices shall be placed in ten conspicuous places in said township. The election shall be held at the usual places of holding the elections in said township, and all the electors favoring said proposition shall have written or printed on their ballots, "Levy of tax for road improvements—Yes," and those opposed to said proposition shall have written or printed on their ballots "Levy of tax for road improvements—No." And should a majority of the electors voting upon said proposition vote "yes" then said board of trustees shall be authorized to levy said tax as provided in this act and not otherwise.

SECTION 7. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
347L

Passed April 27, 1896.

[House Bill No. 552.]

AN ACT

To change the name of Adelia Flohrs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Adelia Flohrs, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Adelia Hazen.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
348L

Passed April 27, 1896.

[House Bill No. 603.]

AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for the erection of bridges.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto concurring and declaring the same to be necessary, be and it is hereby authorized and empowered to issue bonds of said city for the purpose of erecting or repairing any bridge or bridges within said city, not exceeding in the aggregate the sum of ten thousand dollars.

SECTION 2. Such bonds shall be in such denomination, run for such length of time, not exceeding thirty years, and bear such rate of interest not exceeding six per cent. per annum, payable semi-annually, as such council may by ordinance determine; they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which such bonds are issued, and said bonds shall be designated bridge bonds.

SECTION 3. The council of any such city is hereby authorized, empowered and directed to levy and collect, from time to time, upon all taxable property of such city, a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act; said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

349L

[House Bill No. 550.]

AN ACT

To amend section 1 of an act entitled "An act to authorize the trustees of the township of Brecksville, Cuyahoga county, to make additional levy for the support of public library," passed May 19, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act to authorize the trustees of the township of Brecksville, Cuyahoga county, to make additional levy for the support of public library," passed May 19, 1894, be amended so as to read as follows:

SEC. 1. That the trustees of Brecksville township, Cuyahoga county,

be and they are hereby authorized to levy, for the next twenty years, not less than one-tenth of one mill, and not more than two-tenths of one [mill], on the taxable property of said township; the proceeds to be used for the support and maintenance of a public library.

SECTION 2. That said original section 1 of said act as passed May 19, 1894, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
350L

Passed April 27, 1896.

[House Bill No. 530.]

AN ACT

To change the name of Joseph Blacker Starr to Joseph Blacker.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Joseph Blacker Starr, a resident of Hamilton county, Ohio, be and the same is hereby changed to Joseph Blacker.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
351L

Passed April 27, 1896.

[House Bill No. 436.]

AN ACT

To provide for the control and management of electric light plant in certain cities.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second class, third grade b, in which there is a board of gas trustees controlling, managing and operating a gas plant and said gas plant is owned by the city, and also an electric light plant constructed and owned by the city, such gas trustees shall, and they are hereby empowered to take control of and manage such electric light plant. All laws conferring the control and management of such electric light plant are hereby vested in said board of gas trustees, and shall receive such compensation for said services as council of said city may by ordinance allow, to be paid from the electric light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

352L

[House Bill No. 435.]

AN ACT

To provide for the election of officers in certain cities.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county containing a city of the third grade *b* of the second class where primary elections for the nomination of officers to be voted for at general or special elections are conducted under the Australian primary election laws, and for special elections held under the supervisory election laws, the deputy state supervisors of elections and the clerk of such board in and for such county, shall be paid for their services the sum of one hundred dollars per annum, payable quarterly out of the treasury of the county. The compensation above provided for, and all necessary traveling expenses of every description incurred in the performance of the duties of such deputy supervisors and clerk shall be defrayed out of the county treasury upon vouchers of such board, certified by its chief deputy and clerk, specifying in every voucher the actual services, items of expense, and prices and rates in detail, which shall be allowed by the county auditor, and upon his warrant paid by the treasurer of such county, and the county commissioners shall make the necessary levy to meet the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

353L

[Senate Bill No. 400.]

AN ACT

To create a special school district in Wakeman township, Huron county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described lands, situated in the township of Wakeman, county of Huron, and state of Ohio, be and the same are hereby constituted and created a special school district, to be known as the Wakeman special school district: Beginning at the southwest corner of property in said township owned by M. Ford; thence south to southwest corner of property of J. C. Hanford; thence due east to the Vermillion river; thence following the river course until it crosses J. M.

Whiton's west line; thence north to J. C. Cahonn's south line; thence west to east line of property owned by H. Shelton; thence north to C. R. Shelton's south line; thence west to the east line of A. C. Hall's property; thence north to G. H. Camp's south line; thence west to the east line of the Webb property; thence north to the north line of the Webb property; thence west to the west line of the G. H. Camp property; thence north to the north line of the same; thence east to the west line of the N. Wilbur property; thence north to the north line of the same; thence east to the east line of the same; thence south to south line of same; thence east to the place of beginning.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH E. JONES,
President of the Senate.
354L

Passed April 27, 1896.

[Senate Bill No. 392.]

AN ACT

To authorize the commissioners of counties to widen, extend and improve certain county roads.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where there is a county road not less than two and one-half miles nor over four miles in length and not over 65 feet in width, the terminus of which is at the corporate limits of a city or at a road leading to a city at a point not over 2,000 feet from the corporate limits thereof, the county commissioners are hereby authorized to extend and improve said road for a distance not exceeding eight miles from the corporate limits of such city and to widen the same to a width not exceeding eighty feet, as prayed for in the petition hereinafter provided for in this act, when the same can be extended by a line which deviates not more than forty-five degrees from a straight line by the building of a new road or roads not more than sixteen hundred (1,600) feet in length and the purchasing and condemning of all or parts of roads, turnpike or turnpikes which pass through, run along, or lead to the corporate limits of towns or villages which together with the said city, and the towns or villages through which said county road passes, leads to or runs along, had a combined population at the last federal census preceding the filing of said petition of not less than 290,000 inhabitants, when there is filed in the office of such commissioners a petition praying for the widening, extension and improvement of said road, which petition shall be signed by the owners of not less than two-thirds of the property bounding and abutting on said road and the extension prayed for in said petition, the said commissioners are hereby authorized to acquire by condemnation in accordance with the provisions of the statute providing for the condemnation of private property by municipal corporations, a strip of land on each side of the said county road for the distance alleged in said petition of sufficient width to make the said county road of the width prayed for in the petition aforesaid, and to acquire in like manner all the right, title,

interest and franchise or franchises of the owner or owners of so much of the turnpikes or roads described in the petition, also to acquire in like manner a strip of land on each side of said turnpike, road and turnpikes so acquired as is necessary to make the same the width described in the said petition, also to acquire in like manner the strip or strips of land of the width described in the petition which is necessary to make a new road or roads to connect together the said county road and said turnpikes so acquired, also to acquire in like manner all lands by way of easements for sloping cuts and fills that may be necessary to grade and improve the said road to the full width specified in the said petition, which shall then become a free road, and all questions of damages arising from change of grade or otherwise shall be heard and adjudicated in said condemnation proceedings with the right of appeal or error provided for under said statute.

SECTION 2. Said commissioners upon the filing with them said petition are hereby authorized to cause the county engineer to furnish the necessary plats, profiles and specifications for widening, extending and improving the road described in said petition, for grading, constructing the necessary bridges, culverts, viaducts and for metalling, macadamizing and furnishing the same to the full width described in said petition.

SECTION 3. Said commissioners shall let the contracts after approval by the board of control of the county (if such there be) for the improvement of said road, and the engineer shall furnish separate plats, profiles and specifications of each section of said road and file them in the office of said commissioners for the inspection and direction of the bidders, and the work shall proceed upon each section of said road at the same time.

SECTION 4. To defray the expenses of acquiring said lands, including the rights and franchises of said turnpike companies in so much of the said turnpikes mentioned in section one of this act as are required for the purposes of this act, the payment of damages arising from change of grade and the cost of improving said road (except the construction of the necessary bridges, culverts, and viaducts, the cost of which shall be paid by the commissioners after approval by the board of control of said county out of the bridge fund), and the cost and expense of assessing the property within the bound of said road as hereinafter provided; and all other expenses incurred for the purposes of carrying out the provisions of this act, the commissioners are authorized to issue and sell, from time to time, as necessary, and with the approval of the board of control of said county, the bonds of said county to any amount not exceeding sixty thousand dollars (\$60,000) per mile of the road as extended, to be known as the road extension bonds, and the proceeds from the sale of said bonds be placed in a fund, which shall be known as the road extension fund, which shall be applied for the purpose above named. Said bonds shall be in denominations of five hundred dollars each and bear interest at a rate not to exceed four per centum per annum, payable annually; the said bonds shall fall due and be payable each consecutive year after the date of issue, for the number of years prayed for in the petition, which shall not be less than ten and not exceeding thirty.

SECTION 5. One-fourth of the cost of said improvement shall be assessed upon the property bounding and abutting upon said road as extended, and adjacent thereto to a depth of 500 feet according and in proportion to the benefits to said lands resulting from said improvement.

One-fourth of said cost of said improvement shall be assessed upon the lots and lands other than those bounding and abutting thereon and adjacent thereto to a depth of 500 feet, upon both sides of said road as extended, to the distance of one mile therefrom, according and in proportion to the benefits to said lands resulting from said improvement, which assessments shall be made in accordance with the provisions of section 4836c of the Revised Statutes of Ohio, by three freeholders of the county to be appointed as in said section provided, said section being passed April 22, A. D. 1885, vol. 82, page 145, Ohio laws. The owner of any property against which such assessment is made may pay the same in cash without the interest that would accrue thereon, providing the same is paid within thirty days from time the amount thereof is fixed, if not so paid both of the assessments shall be divided into annual payments as prayed for in said petition, not less than ten and not exceeding thirty, the remainder of the cost of said improvements shall be paid by the county, and the commissioners thereof are hereby authorized to levy a tax in addition to the amount they are otherwise authorized to levy upon the general duplicate of said county, from year to year a sum sufficient to pay the one-half of said bonds and interest thereon, the commissioners shall cause to be furnished to the freeholders provided for in said section 4836c, for the purposes of making said assessment, a description of the lands to be assessed together with the name of the owner thereof, the cost of which together with the compensation to be paid to said freeholders shall be considered as part of the costs of the improvement herein provided for and shall be paid upon the order of said commissioners after the approval by the board of [control] (if such there be) of said county out of the fund provided as aforesaid by this act.

SECTION 6. Provided that whenever any street railway company shall apply to the commissioners of said county for permission to lay out and operate a street railway route, over said road or public way, said commissioners shall require any street railway company to which a grant may be given to operate a street railway over said road, to pay for the use and repair of said roadway a sum not less than one-half the interest on that portion of the bonded indebtedness, which is to be borne by the county, as its share of the expense of the improvement and extension of the said road. Of the rental derived from said railway company or its successors, one-fourth of the amount shall be credited to the said road extension fund for the repairs of said road; and the balance of the rental derived from said company or its successors, shall be paid into the sinking fund of the county for the redemption of the share of the bonded indebtedness to be borne by the county in the construction, extension and improvement of said road.

SECTION 7. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

355L

[Senate Bill No. 396.]

AN ACT

To authorize the commissioners of Jefferson county to deposit funds from the sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Jefferson county, Ohio, are hereby authorized and empowered to deposit with responsible banks, such sum, or sums of money as may from time to time accumulate in the sinking fund, for the redemption of Jefferson county special turnpike bonds, at a rate of interest not less than four per cent. per annum, until such times as said bonds become due and payable, or may be presented for redemption.

SECTION 2. The county commissioners on making such deposit or deposits, shall take from such bank or banks, a certificate therefor, in the name of the board of county commissioners of Jefferson county, Ohio, which shall be secured by depositing with said board of county commissioners, state, county or municipal bonds, or other sufficient securities to the amount of the face value of such certificate.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

356L

[House Bill No. 625.]

AN ACT

To authorize the church trustees of certain religious societies situated in the south precinct of Union township, Ross county, Ohio, to convey by deed to the trustees of said Union township certain graveyards now under control of said church trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Presbyterian church, known as Union church, and the trustees of the Methodist Episcopal church, known as Union chapel and the trustees of the Methodist Episcopal church, known as Dry Run chapel, all of which are situated in the south precinct of Union township, Ross county, Ohio; said trustees as aforesaid are hereby empowered and authorized to convey to the township trustees aforesaid the several burying grounds now under their control by deed, and said township trustees are hereby authorized to accept said deeds and to have the same made a matter of record by the township clerk of said township.

SECTION 2. The control of said burying grounds shall be under the charge and supervision of the township trustees of said township, who shall be governed by the general statutes now in force governing township cemeteries, so far as they may apply to this case. And for the proper care and improvement of said burying grounds, and for the purpose of acquiring and adding additional ground thereto, the township trustees

of said Union township are hereby authorized to levy a tax of not to exceed one-half of one mill on the dollar of the taxable property of said south precinct of Union township, in addition to all the taxes they are now authorized by law to levy.

SECTION 3. Provided, however, before any of the authorities named in this act shall have power to proceed under this act, the matter herein contained shall be submitted to a vote of the qualified electors of said south precinct of Union township, Ross county, Ohio, at the first regular election after the passage of this act, and in the following manner, to wit: The electors of said precinct shall have written or printed on their ballots the words "Precinct cemeteries—Yes," "Precinct cemeteries—No." And said ballots shall be deposited in a ballot box to be furnished by the trustees of said township. The vote shall be counted by the judges and clerks of the election, and a return of the same shall be made to the trustees of the township of the same, and if two-thirds of the vote cast shall be in the affirmative, then the trustees of the township shall have power to act.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
357L

Passed April 27, 1896.

[Senate Bill No. 391.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the improvement of streets, avenues and alleys in cities of the first grade of the second class," passed March 14, 1893.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled an act to provide for the improvement of streets, avenues and alleys in cities of the first grade of the second class be so amended as to read as follows:

SEC. 1. Be it enacted by the general assembly of the state of Ohio, That cities of the first grade of the second class shall have authority to pave any of the streets, avenues or alleys or parts thereof of said cities with asphalt, granite or other stone block, cobble-stone boulders, crushed stone, hard-burned brick or blocks macadam or other substantial material and whenever needed in connection therewith to curb and gutter said streets, avenues or alleys or parts thereof, and when such streets, avenues or alleys are so paved to maintain and keep the same in proper repair, and the provisions in the subsequent section of this act relating to improvements of streets, avenues or alleys shall be applicable to the maintaining and keeping in repair of the same; and to ordain that the costs of said improvements shall be paid for and assessed upon the property bounding or abutting on the same in accordance with the various provisions of law now enacted or hereafter enacted applicable thereto, and

not inconsistent with this act subject however to the restrictions in section two of this act, and this act shall be supplementary to title XII, division 3, chapter 4, and to title XII, division 7, chapter 4, of the Revised Statutes of Ohio, and to the various acts amendatory of or supplementary to the provisions thereof.

SECTION 2. That section No. 1 of an act entitled an act to provide for the improvement of streets, avenues and alleys in cities of the first grade of the second class, passed March the 14, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
358L

Passed April 27, 1896.

[Senate Bill No. 390.]

AN ACT

To authorize the village of Corning, Perry county, Ohio, to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Corning in Perry county, Ohio, be and said council are hereby authorized and empowered to issue the bonds of said village in an amount not to exceed fifteen hundred dollars (\$1,500) in denominations of not less than one hundred or more than three hundred dollars, bearing interest at a rate of not more than six per cent. per annum, from date of issue, payable annually, for the purpose of building a reservoir to increase the supply of water for water works of said village.

SECTION 2. Said bonds shall be signed by the mayor and clerk of said village, and shall not be sold for less than their par value, payable at such time within five years from the date thereof and in such amounts as the council may by ordinance determine and for the purpose of paying said bonds and the interest thereon the said council is hereby authorized to levy a tax upon all the taxable property of said village in the same manner as taxes for general purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
359L

Passed April 27, 1896.

[House Bill No 635.]

AN ACT

To authorize the commissioners of Brown county, Ohio, to construct a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county, Ohio, be and are hereby authorized to construct the following free turnpike road, to wit: Commencing at Bernard in said county, and following as near as practical the "old Newmarket road" to the Highland county line near the residence of W. J. Overstake, in Eagle township, Brown county, Ohio.

SECTION 2. Said commissioners may order at once the building of said road, but shall first require donations of not less than twenty (20) per cent. of the estimated cost of said road, and may issue bonds for the construction of the same, bearing six (6) per cent. interest, payable annually, which shall not be sold for less than their par value. And said commissioners may levy a tax of not more than two (2) mills on the dollar, annually, on all taxable property in said county, for the purpose of paying said bonds and interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

360L

Passed April 27, 1896.

[Senate Bill No. 388.]

AN ACT

To authorize the township board of education of Harrison township, Pickaway county, to borrow money and build school houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township board of education of Harrison township, Pickaway county, be and the same is hereby authorized and empowered to borrow not exceeding three thousand dollars, to erect school houses in subdistricts No. 8 and No. 9 in said township. Said money to be paid in three yearly instalments; one thousand dollars on or before September 1, 1897; one thousand dollars on or before September 1, 1898; and one thousand dollars on or before September 1, 1899, at a rate of interest not to exceed six (6) per cent. per annum. Said loans shall be made in anticipation of the regular levy for school purposes in said township for the years 1896, 1897 and 1898, and to be paid from the proceeds of said levies when the same or a sufficient part thereof has been received by the treasurer of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate.

361L

Passed April 27, 1896.

[Senate Bill No. 385.]

AN ACT

To authorize the village of North Lewisburg, Champaign county, Ohio, to issue bonds for waterworks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of North Lewisburg, Champaign county, Ohio, be and it is hereby authorized to issue the bonds of said village in a sum not exceeding ten thousand dollars (\$10,000), bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, and redeemable at such times as the council by ordinance may prescribe and not more than thirty years from date, for the purpose of providing said village with a system of waterworks to be owned by said village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and shall not be sold at less than their par value.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village only for the purpose of constructing, paying for and maintaining waterworks for said village and the inhabitants thereof.

SECTION 4. That for the purpose of paying said bonds and the interest thereon as the same become due, the council of said village is hereby authorized to annually levy a tax on all the taxable property of said village in addition to the amount that is now authorized by law, sufficient to meet the payment of said bonds and interest as the same shall become due, which levy shall be placed on the duplicate by the auditor of the county, collected as other taxes and when collected paid over to the treasurer of said village.

SECTION 5. Provided, that before said bonds are issued, the village council shall submit the proposition of issuing the same to the electors of said village at a general or special election to be held for such purpose at such time and place in the corporation as the council shall determine by resolution. Notice shall be given of the time and place of holding such election in a newspaper of general circulation in said village, and the form of ballot shall be as follows: Those in favor of the construction of waterworks and the issuing of said bonds shall have written or printed on their ballots "Waterworks—Yes." Those opposed to the constructing of waterworks and the issuing of said bonds shall have written or printed on their ballots "Waterworks—No." Said ballots shall be provided by the council of said village and the expense thereof and of said election shall be paid by said village. The returns and poll-books shall be made by the clerk, who shall return and present the same to the council at the first regular meeting after such election and the result shall be entered upon the minutes of the council, and if it appear that a majority of the ballots cast at such election were in favor of waterworks, then the council shall proceed to issue such bonds, and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

362L

[Senate Bill No. 383.]

AN ACT

For the relief of the infirm in cities of the third grade, first class.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties containing a city of the third grade, first class, if the infirm directors, after making proper investigation in regard to any case brought to their notice, are satisfied that the person or persons are in a condition requiring public relief, and the circumstances in the case are such as to render their removal to the infirmary inexpedient, they may render such other relief as in their judgment is required.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHIEL W. JONES,
President of the Senate.

Passed April 27, 1896.

363L

[House Bill No. 653.]

AN ACT

For the relief of Joanna Sturm and children, widow and children of Joseph Sturm, deceased, killed by a member of Ohio national guard while defending public property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the county of Hamilton be and is hereby authorized to issue his warrant on the county treasurer of Hamilton county to pay Joanna Sturm, of Cincinnati, Ohio, for herself and children, as the widow and children of Joseph Sturm deceased, out of the general revenue fund of Hamilton county not otherwise appropriated not exceeding thirty-five hundred dollars, for their relief, on account of the loss of life of said Joseph Sturm, a patrolman defending public property and killed by a musket ball fired by a member of the Ohio national guard on March 29, 1884, during the riot and at the burning of the court house in Cincinnati, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
364L

Passed April 27, 1896.

[Senate Bill No. 378.]

AN ACT

To abolish a joint sub-school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That joint subdistrict designated as number ten (10), Van Buren township, Darke county, Ohio, be and the same is hereby abolished. And that the territory comprising said joint subdistrict, shall be and the same is hereby reassigned to the subdistricts from which the same was taken to form said joint subdistrict.

SECTION 2. This act shall be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
365L

Passed April 27, 1896.

[Senate Bill No. 375.]

AN ACT

Authorizing the trustees of Orange township, in Hancock county, Ohio, to levy a tax to construct, gravel or macadamize roads, pikes and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Orange township, in Hancock county, in the state aforesaid, be and they are hereby authorized and empowered to assess and levy upon all taxable property of said township, for five successive years, a tax not exceeding three mills upon the dollar of the valuation of all said taxable property in any one year, in addition to the amount of taxes which now is or hereafter may be authorized by law, for the purpose of constructing, graveling, macadamizing and piking roads and highways in said township, and for no other purpose whatever.

SECTION 2. The question of levying said tax and of constructing pikes and highways shall be submitted to a vote of the qualified electors of said township at the regular spring election on the first Monday of April, 1896; or at a special election ordered by the trustees of said township; the tickets voted at said election shall have written or printed thereon the words, "Taxation for road improvements—Yes," or, "Taxation for road improvements—No"; and a majority of votes in favor of

such taxation shall authorize the levying of said tax and constructing, graveling, macadamizing and piking of said roads and highways.

SECTION 3. Said tax hereby authorized shall be placed upon the grand duplicate of the county by the auditor of Hancock county aforesaid, and shall be collected as other taxes upon said tax duplicate are collected, and shall be paid in money, and shall be a township road fund in said township, under the direction, control and application of the trustees of said township, and shall be by them applied toward constructing gravel, macadamized or piked roads and highways in said township, or both gravel and macadamized roads or pikes and highways, as may be adjudged best by said trustees; provided, that no assessment or levy for such purpose shall be made under the provisions of this act after the year nineteen hundred and one, and the first assessment or levy for said purpose may be made under the provisions of this act in the year eighteen hundred and ninety-six (1896).

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President pro tem. of the Senate.

Passed April 27, 1896.

366L

[House Bill No. 666.]

AN ACT

To provide by ordinance for the extension of jurisdiction of the city ordinances for police regulation.

[ZANESVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That power and authority is hereby vested in the council of all cities which by the last preceding federal census had a population of not less than 21,009 and not more than 21,020, or which at any subsequent federal census may have such population to provide by ordinance for the extension of the jurisdiction of the city ordinances for police regulation for the distance of one mile outside the corporate limits of said city.

SECTION 2. Upon the passage of such ordinance by the council of any city, having such population, all ordinances of said city for police regulation will be obeyed and respected, and all affidavits and warrants shall be good as to jurisdiction if the offense charged was committed within the radius of one mile outside of the limits of said city.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

367L

[Senate Bill No. 374.]

AN ACT

To authorize the board of commissioners of Lucas county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Lucas county, be and are hereby authorized to transfer the sum of ten thousand dollars (\$10,000) from the Lucas county stone road building fund to the Lucas county stone road repair fund.

SECTION 2. This act shall be in force on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

368L

[Senate Bill No. 372.]

AN ACT

To authorize the commissioners of Jackson county, Ohio, to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Jackson county, Ohio, be and they are hereby authorized, when in their judgment the best interests of the public require, and the resident land owners along any of the several routes of road hereinafter named shall secure to the county the right of way, free of cost and expense to the county, to lay out, relocate, construct and improve any one or all of said roads, or any part of any one or all of said roads, along which such right of way is so secured, and along the following routes, to wit:

First route. Beginning at the city of Jackson and running thence with the Gallipolis road, or as near as may be practicable, through the village of Winchester to the county line in Madison township, near Centreville.

Second route. Beginning in said last preceding named route, at such point as may be deemed best by the commissioners and following the best and most practicable route to the county line in Madison township near Centreville by way of the village of Oak Hill.

Third route. Beginning at the village of Oak Hill, thence along the best and most practicable route to a point near Comer's school house on Hewitt's fork.

Fourth route. Beginning at a point in the Gallipolis road near the residence of M. A. Bunn and running thence by way of Four Mile and Mabees to the Scioto county line to intersect the Harrisonville pike.

Fifth route. Beginning at the city of Jackson and running thence to the Scioto county line by way of Petersburg, following the Portsmouth road as near as practicable.

Sixth route. Beginning at the city of Jackson and following the Piketon road as near as practicable, terminating at the county line on the west.

Seventh route. Beginning at a point in the last preceding named route about three miles west of Jackson at a point to be determined by the county commissioners and running in a northwesterly direction by way of Limerick, terminating at the county line near the residence of James Stancliff.

Eighth route. Beginning at the city of Jackson and running in a northwesterly course, following as near as practicable the road known as the Chillicothe road, terminating at the county line.

Ninth route. Beginning on the line between Jackson and Vinton counties at a point on the road leading from Hamden to Wellston, thence following said road as near as practicable to the said city of Wellston, thence on the most practicable route to the city of Jackson, by way of Glen Roy and Coalton.

Tenth route. Beginning at the village of Coalton, and following the most practicable route, terminating at Byers.

Eleventh route. Beginning at the city of Wellston and running in a southerly direction, following the most practicable route by way of Berlin to intersect the road leading from Jackson to Gallipolis, at the village of Winchester.

Twelfth route. Beginning at the city of Jackson and running in a southeasterly direction by way of ex-commissioner Brown's farm in Lick township and Thomas H. Vaughn's farm in Bloomfield township over the most practicable route to old Keystone Furnace.

SECTION 2. The said commissioners are hereby authorized, or may authorize the viewers or commissioners by them appointed, to locate any or all of said roads, or any part thereof, upon the whole or any part of any state, county, or township road, heretofore laid out and established within the county, and to widen, alter, change, or vacate the same, and to lay out, survey and locate such turnpike roads, or any part thereof, through or upon any improved or unimproved lands, upon the best routes between the place of beginning and termination, and to take timber, stone, gravel, earth, and other material suitable to construct said roads, and when the said commissioners and the owners fail to agree as to the amount of compensation for such material, or when the owner is unknown, non-resident, or incapable of granting or contracting for said right of way or materials, then said compensation for the same shall be ascertained and adjusted by proceedings had in the name of the county commissioners, under the law providing for the appropriation of private property by corporations.

SECTION 3. The roads established and constructed under this act shall be opened not more than sixty nor less than forty feet wide, and at least twenty feet in width shall be turnpiked with earth so as to drain freely to the sides, and raised with stone, gravel, furnace cinder or such other material as is suitable and found most convenient to the routes named and the commissioners deem best, not less than ten nor more than sixteen feet in width, nor less than ten inches thick in the center, and not less than eight inches thick at the outer edges of such stone, gravel, cinder, or such other material as may be used, well compacted together in such manner as to secure a firm, even, and substantial road; and where limestone, or other suitable hard stone, or cinder, or other material is found and used, then the same must be broken or crushed, as the commissioners may determine, after the usual manner of making turnpikes; in no case shall the grade of ascent or descent on any of said roads be

greater than seven degrees; the roads shall be well provided with all necessary side drains, waste-ways, and underdraining, to prevent overflowing or washing by water, and with substantial bridges or culverts at all crossings of water-courses wherever the same may be needed.

SECTION 4. In addition to the county surveyor, the commissioners may, from time to time, employ other competent engineers or surveyors, and such superintendents as may be necessary for the proper locating, construction and improvement of said roads, at such rate of compensation as shall be fixed and determined by and between them at the time of such employment; or the said commissioners may, if they deem best, superintend the construction of any or all of said roads, at the same compensation as is now allowed members of boards of county commissioners by the laws of the state; but in no case shall more than one commissioner be allowed or receive pay for superintending any one of said roads for any given period.

SECTION 5. A majority of said board of commissioners shall, at any regular or special session be necessary to agree upon the specifications, or to make contracts with reference to said improvements, or any part thereof.

SECTION 6. The record of all proceedings under this act, and payments made, and the keeping accounts thereof, the letting of said work and estimates made and the performance of all other duties, shall be done and performed in all particulars as designated and defined by the general laws of Ohio, now in force, regulating the construction and building of free turnpikes, except as otherwise specifically provided in this act.

SECTION 7. For the purpose of laying out, locating and building said roads, and carrying out the provisions of this act, the said commissioners are hereby authorized and empowered, at their regular June session 1896, and at any regular March or June session annually thereafter, to levy in addition to all other levies not to exceed five mills on the dollar on all the taxable property of said county, which shall be placed on the duplicate of said county and collected the same as other levies, one-half in December and one-half in June of each year; and the money so raised shall be known as the turnpike fund of said county, and all expenses incident to the location and building of said roads shall be paid out of said fund.

SECTION 8. Said commissioners are hereby authorized and empowered to submit to the qualified voters of the county the question as to the policy of issuing the bonds of the county for the purpose of raising money in anticipation of the levy hereinbefore provided for, which submission shall be made at any annual spring or fall election, or at a special election called by said commissioners, for that purpose, and the commissioners shall cause public notice of such vote to be given by publication in at least two newspapers of opposite politics, printed and of general circulation in the county, and also by causing handbills to be posted up at the usual place of holding elections in each township and voting precinct throughout the county, at least fifteen days prior to such election, which said notice shall be signed by the county auditor. Those voting in favor of issuing bonds for the purpose of raising money for the construction and building of said roads shall have written or printed on their ballots, "For turnpike bonds—Yes;" and those voting against

the issuing of bonds for the purpose of raising money for the construction and building of said roads shall have written or printed on their ballots, "For turnpike bonds—No."

SECTION 9. If, at such election a majority of the votes cast be against the policy of issuing bonds for the construction of such turnpike roads, the commissioners shall not issue bonds for that purpose, but they may again submit the same question at any annual election, either in the spring or fall, or at any special election called by them for that purpose, to the qualified electors of the county, notice of which shall be given in all respects in the manner prescribed in the preceding section; provided, that the said question shall not be submitted to a vote of the said electors more than once within any one year; and if, at any such election a majority be found in favor of the issuing of said bonds aforesaid, the said commissioners may proceed, and they are hereby authorized and empowered to issue and sell the bonds of the county for said purpose. Said bonds shall bear interest, not exceeding six per centum per annum, the interest payable semi-annually, and shall not be sold for less than their par value. Said sale of bonds by the commissioners shall be made by advertising for sealed bids for the same, to be received and opened by the said commissioners at the date and place specified in such advertisement, by publishing for at least thirty days in two newspapers published in said county, and in such other manner as they may deem advisable; provided, that not more than fifty thousand dollars (\$50,000) of said bonds shall be sold in any one year, and all money received from the sale of said bonds shall be paid into the treasury of said county, and shall be appropriated, paid and expended on the order of said commissioners from time to time for the purpose of constructing said free turnpikes aforesaid, under the powers given to said commissioners by law, and for no other purpose; and provided, further, that the total principal sum for which said bonds may be issued shall not exceed three hundred thousand dollars (\$300,000), and the total sum of the interest and principal to become payable in any one year, shall not exceed twenty thousand dollars (\$20,000).

SECTION 10. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

369L

[Senate Bill No. 368.]

AN ACT

To authorize the county commissioners of Muskingum county, Ohio, to levy certain taxes for a court fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Muskingum county, Ohio, for the purpose of defraying the expenses of the court of common pleas and probate court, of said county, be and they are hereby authorized to create a fund to be known as the court fund, and said commissioners, at their

June session annually, may levy on each dollar of valuation of taxable property of said county, for the said fund, not exceeding four-tenths of one mill.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
370L

Passed April 27, 1896.

[House Bill No. 673.]

AN ACT

To provide a road fund in townships where oil wells are located, or may hereafter be located.

[SANDUSKY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties which by the federal census of 1890 had a population of 30,617, nor more than 30,900, any money arising from the tax on oil wells drilled, or hereafter to be drilled, shall be collected by the treasurer of the county as other taxes are, and be returned to the township treasury where such oil wells are located, in any sum not exceeding twenty-five hundred dollars (\$2,500) per annum, to be used as a road fund in any such township.

SECTION 2. Said funds shall be under the control of the township trustees, and shall be by them expended in maintaining and building roads, as to them seems advisable.

SECTION 3. All acts and parts of acts in conflict with the provisions of this act are, as to such conflict, hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
371L

Passed April 27, 1896.

[Senate Bill No. 367.]

AN ACT

To amend an act entitled "An act to establish the width of turnpikes in Pickaway county," passed April 14, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed April 14, 1893, entitled "An act to establish the width of turnpikes in Pickaway county" be amended so as to read as follows: That the turnpike roads in Pickaway county, Ohio, now under the control of the commissioners of said county, including the free turn-

pike from the corporation line of the city of Circleville to the red bridge across the Scioto river in Circleville township, which is hereby placed under the control of said commissioners, shall be forty (40) feet in width, measuring twenty (20) feet each way from the center of the road as originally established; provided, that any of said turnpike roads having a side track laid out at the time of the construction of said turnpike road, shall be forty-five (45) feet in width, measuring twenty-two and one-half ($22\frac{1}{2}$) feet from the center of the road as originally established.

SECTION 2. The commissioners of said county are hereby authorized to enforce the establishment of the width of said turnpike roads as herein provided, and if any fence is upon the limits of any of said roads, the commissioners shall give notice to the owner or owners to cause the said fence or fences to be removed within twenty days, and in case the removal is not made within the time specified, the commissioners may cause the removal of said fence or fences at the cost of the owner or owners, and if payment of the cost thereof is not made, or refused, the amount shall be assessed and collected as other taxes. Provided, however, that where substantial fences have been built, or where a hedge fence has been grown, within the boundaries of said turnpikes previous to the passage of this act, and so located as not to endanger or interfere with the free passage of travel or the maintenance of ditches for drainage of said turnpikes, the commissioners on view may permit said fence or hedge to remain until such time as in their opinion said fence or hedge should be renewed. And provided further, that whenever in their opinion fences are located within the boundary of said turnpikes for the safety of the traveling public, the commissioners may permit such fences to so remain. Any person who places within the limits of any such road any wood, stone or other obstruction, so as to interfere with the public travel, or prevents or interferes with the free passage of water in the side drains or ditches of any such roads, and, upon being notified by the commissioners to remove such obstruction, neglects or refuses to comply with such requirements within ten days from the service of such notice, he shall forfeit and pay to and for the benefit of the turnpike fund of the county a sum not less than three nor more than ten dollars for each and every day he permits such obstruction to remain upon such road after the expiration of ten days from the service of such notice, which sum shall be recoverable by action in the name of the commissioners before any justice of the township where the obstruction is placed.

SECTION 3. The act passed April 14, "To establish the width of turnpikes in Pickaway county," (O. L. vol. 90, p. 403) is hereby repealed, and this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

372L

[Senate Bill No. 386.]

AN ACT

To provide for the appointment of trustees for the electric light plant of London, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the incorporated village of London, Ohio, shall have the power whenever it may be deemed expedient for the public good, to erect electric light works at the expense of the corporation.

SECTION 2. When such electric light works shall have been erected, at the expense of the corporation, the mayor with the advice and consent of the council, shall appoint a board of trustees, consisting of three members, not more than two of whom shall belong to any one political party, which shall manage said electric light works and supply the corporation and the citizens thereof with electric lights and power; and the trustees shall serve until their successors are elected and qualified as hereinafter provided.

SECTION 3. At the annual corporation election occurring next after the completion of said electric light works, erected at the expense of the corporation, the qualified voters of the corporation shall elect one trustee, to be known as "Trustee of the electric light works," who shall hold his office for three years, and thereafter one trustee shall be elected annually, each of whom shall serve for a like term. Such trustees shall receive such compensation for their services as the council by ordinance shall fix. Said trustees shall qualify by taking the official oath, and each giving a bond acceptable to the village council, which bond shall be in sum not less than one thousand nor more than five thousand dollars, as shall be determined by the council.

SECTION 4. The board may construct, extend or contract electric light lines, erect poles, wires and additional lamps, when so ordered by the council, and may manufacture and sell electric lights and power and collect all moneys due for the same; prescribe by by-laws the price of the electric lights and power, and other material sold by it, manage and conduct and control the electric light works, under such rules and regulations as by ordinance the council may prescribe, and to carry into effect the provisions of this section, they may employ or discharge any laborer or officer; and said board shall make monthly reports to the council of the receipts and disbursements of money belonging to the electric light works, and an annual report of the condition of the same; and all money collected for electric light and power purposes shall be deposited weekly, by the collectors thereof, with the treasurer of the corporation, and one of the receipts shall be deposited with the clerk of such board, and all money so deposited shall be kept as a separate and distinct fund, subject to the order of the board, and all orders drawn by the trustees or board on the treasurer of the corporation, shall be paid out of such fund, and shall be signed by the president of said board and countersigned by the clerk thereof.

SECTION 5. This act shall take effect and be in force from and after May 1, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

373L

[House Bill No. 696.]

AN ACT

To authorize the board of education of the village school district of Jackson Center, Shelby county, Ohio, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of Jackson Center, Shelby county, Ohio, be and they are hereby authorized to borrow any sum of money not exceeding eight thousand dollars, for the purpose of purchasing a suitable site and erecting a school building thereon.

SECTION 2. That for the purpose aforesaid, the said board is hereby authorized to issue bonds not exceeding eight thousand dollars in amount, to be signed by the president and attested by the clerk of said board, in sums of not more than five hundred nor less than one hundred dollars, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding twenty years from their respective dates, as said board may determine; said bonds shall not be sold for less than their par value.

SECTION 3. Said board shall, annually thereafter, cause the necessary taxes to be levied in addition to those now authorized by law to pay the interest on said bonds, and to pay the principal thereof as the same shall become due, in the manner provided by law for levying and collecting taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

374L

[Senate Bill No. 362.]

AN ACT

To provide for a board of trustees for the medical college of Ohio.

WHEREAS, The trustees and faculty of the medical college of Ohio and the directors of the university of Cincinnati have unanimously agreed that the interests of both institutions will thereby be promoted,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the affairs of the medical college of Ohio shall hereafter be under the management of the directors, for the time being, of the university of Cincinnati, which directors shall be, and they are hereby constituted the board of trustees of the medical college of Ohio, and they are hereby authorized to exercise all the powers granted by law to the board of trustees of the medical college of Ohio.

SECTION 2. This act shall take effect and be in force from and after May 1, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
375L

Passed April 27, 1896.

[Senate Bill No. 360.]

AN ACT

To establish a separate election precinct in Washington township, [Holmes county, Ohio.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following territory situate in Washington township, Holmes county, Ohio, be and is hereby declared to be a separate election precinct, to wit: Sections 11, 12, 13, and 14 of township 19, range 15.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
376L

Passed April 27, 1896.

[House Bill No. 700.]

AN ACT

To reimburse William P. Newman, ex-sheriff of Adams county, Ohio.

WHEREAS, At the November election, A. D. 1887, in Adams county, Ohio, William P. Newman was elected sheriff of said county, and entered upon his duty as such sheriff on the 2nd day of January, A. D. 1888.

WHEREAS, On the 2nd day of January, A. D. 1888, the said William P. Newman, as successor of M. Long, ex-sheriff of Adams county, Ohio, received of the said M. Long a check for the sum of three thousand one hundred (\$3,100) dollars, drawn on the banking firm of G. B. Grimes and Company, of West Union, Adams county, Ohio, and deposited the amount of said check with said banking firm of G. B. Grimes and Company, which was recognized to be a safe and reliable bank.

WHEREAS, The county commissioners of said county had not provided any safe whatever for the use of sheriffs of said county.

WHEREAS, The said sum of three thousand one hundred (\$3,100) dollars was being held by an order of the common pleas court of Adams county, Ohio, until distribution of the same could be made in the Gore estate.

WHEREAS, Said bank did on the 19th day of August, A. D. 1889, make an assignment for the benefit of their creditors, and their assets were only sufficient to pay sixty cents of each dollar of their indebtedness.

WHEREAS, The said William P. Newman has paid one thousand two hundred and forty (\$1,240) dollars out of his individual money, being forty cents on each dollar of said sum so deposited in said bank, and was compelled to mortgage his property that he might be able to pay said sum.

WHEREAS, A large number of the tax payers and electors of Adams county, Ohio, have petitioned this general assembly for the relief of the said William P. Newman, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, The board of commissioners of Adams county, Ohio, be and they are hereby authorized to direct the payment of the sum of one thousand two hundred and forty (\$1,240) dollars out of the county fund to William P. Newman, ex-sheriff of Adams county, Ohio, and to order the auditor of said county to draw his warrant in favor of William P. Newman on the treasurer of said county for the payment of said sum.

SECTION 2. This act shall take effect on its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

377L

[Senate Bill No. 359.]

AN ACT

To authorize certain boards of education to issue bonds for the payment of certain debts.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any school district consisting in whole or in part of a city of the second grade of the second class, is hereby authorized and empowered, from time to time, to issue and sell its bonds in any amount not exceeding the sum of one hundred thousand dollars, and the money arising therefrom shall be used only to pay outstanding obligations of such board and loans made by it in anticipation of taxes, or to pay the running expenses of the schools of such district for a period of six months next preceding a September distribution of taxes, when such board shall declare same to be necessary.

SECTION 2. That all bonds issued under this act shall be of the

denomination of one thousand dollars each, shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually; shall be for a length of time not exceeding twenty years from their date respectively, but the bonds of any issue may be made to fall due from time to time within the limit aforesaid, and all such bonds shall be executed in the name of such board, by the president and clerk thereof.

SECTION 3. That all bonds issued under this act shall be advertised for sale in two newspapers of general circulation in such district, for not less than two nor more than four weeks, and shall be sold in the office of the clerk of such board, at the time named in the advertisement, to the highest and best bidder, either upon sealed bids or at auction, as the board may determine, but the board may reject any or all of such bids. No bond or bonds issued under this act shall be sold for less than par and accrued interest.

SECTION 4. That any such bond or bonds issued by such board under this act shall be entitled "deficiency bonds" and shall contain a reference to this act and to the resolution of such board authorizing their issue.

SECTION 5. That such board shall annually, at a regular or special meeting, to be held between the third Monday in April and the first Monday in June, determine the amount necessary to create a sinking fund to pay the principal and interest of the bonds issued under this act, or of any other outstanding bonds of such board, which amount however shall not exceed five-tenths of one mill of each dollar of valuation upon the general tax duplicate of such district, and the amount so determined shall be certified, levied and collected in the manner provided by law for the certifying, levying and collecting of other taxes for the use and benefit of the schools of such district, but the amount so to be certified, levied and collected for the sinking fund aforesaid, shall not exceed in any one year five-tenths of one mill of each dollar of valuation upon the general tax duplicate of such district, and the same shall be in addition to all other taxes that are now, or may hereafter be authorized to be levied and collected for the schools of such district, and the levy and tax authorized by this section shall not be eliminated or changed by the tax commission of any such city, nor shall such tax commission reduce the levy for the contingent fund of such schools, on account of such levy for a sinking fund.

SECTION 6. That this act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

378L

[House Bill No. 702.]

AN ACT

To authorize certain county commissioners to provide depositaries for public money and for other purposes.

[WILLIAMS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 9 of an act entitled "An act to authorize certain county commissioners to provide depositaries for public money and for other purposes," passed May 21, 1894, vol. 91, page 406, session laws, be supplemented as follows, with sectional numbering 9a:

SEC. 9a. The county auditor and county treasurer of Williams county shall each receive such compensation for the performance of their respective duties and services under this act, as shall be fixed and deemed reasonable by the board of county commissioners of said county.

SECTION 2. This act shall take effect on and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Passed April 27, 1896.

379L

[Senate Bill No. 346.]

AN ACT

To authorize the commissioners of Brown county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and are hereby authorized to construct the following free turnpike road: Beginning at the Ripley and Hillsboro turnpike at the intersection of the old Locust Grove road north of the village of Fincastle in Eagle township, Brown county, Ohio, and following said road east as near as practicable to the Adams county line.

SECTION 2. Twenty per centum of the entire cost of said free turnpike shall be paid by a tax on all the taxable property within one mile of said free turnpike, and eighty per centum of the entire cost of the construction of said free turnpike shall be paid by a tax on all the taxable property in the county.

SECTION 3. The said commissioners shall determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten years; and an equal part of said twenty per centum shall be levied and collected each year; and the said county commissioners are authorized each year to make such levy upon all the taxable property within said taxing district until the whole twenty per centum is fully paid. And they shall cause the same to be placed upon the tax duplicate and collected as other taxes. And they shall in like manner lay upon all the taxable property of the county, the eighty per

centum of the cost of said construction so that the same shall be paid in not less than five years nor more than ten years.

SECTION 4. For the purpose of paying the eighty per centum of the cost of the construction of said free turnpike road, the commissioners are hereby authorized to issue bonds of the county bearing not to exceed six per cent. interest, payable at such times as the commissioners may determine, not exceeding ten years from date thereof. Said bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
380L.

Passed April 27, 1896.

[Senate Bill No. 343.]

AN ACT

To provide for the payment of legal services rendered in the matter of the Paddock road.

WHEREAS, There was enacted by the general assembly of this state, April 25, 1893, an act entitled an act, which authorized and directed the commissioners of Hamilton county, Ohio, to widen, extend and improve the Paddock road from its present southern terminus to the north corporation line of the village of Glendale in Hamilton county, Ohio (Ohio local laws, vol. 90, page 238), and

WHEREAS, Under the provisions of said act the commissioners of said county instituted proceedings in condemnation in the probate court of said county for the appropriation of private property for the purposes of said act, and

WHEREAS, Under the provisions of section 4 of said act, the commissioners of said county did enter into a contract of employment with Miller Outcalt as additional counsel to assist the county solicitor in the preparation and conduct of said proceedings in condemnation, and on account of his services therein have paid said Outcalt the sum of \$500, and

WHEREAS, Thereafter, a proceeding was instituted in the court of common pleas by the state of Ohio upon the relation of Frederick Broermann, a tax payer of Hamilton county, Ohio, against the commissioners of said county to test the validity and constitutionality of said act, and, said cause being tried in said court of common pleas, and a judgment obtained therein in favor of said defendant commissioners, which judgment was afterwards affirmed by the circuit court for the first judicial district of the state of Ohio, and said cause being thereafter prosecuted in error to the supreme court of Ohio, and being considered by said supreme court, the judgments of the said circuit and common pleas courts were reversed and said act declared to be an invalid and unconstitutional act; and

WHEREAS, Said Miller Outcalt was employed by said commis-

sioners to assist in the preparation and trial of said cause in said common pleas, circuit and supreme courts; and

WHEREAS, By reason of said decision of the supreme court, no Paddock road fund can be created, as provided in said act, whereby to pay for the services of said Outcalt, so rendered as aforesaid; now therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, by and with the approval of the board of control of said county, be and they are hereby authorized to pay to the said Miller Outcalt out of the county fund in the treasury of Hamilton county whatever sum may be due to him for said services under the terms of any contract made between him and the said county commissioners, if any such contract was made, and if not, then such sum as the said services were reasonably worth, the same to be fixed by the said county authorities after deducting the amount already paid, in full payment and discharge for the services so rendered in both causes.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
381L

Passed April 27, 1896.

[House Bill No. 709.]

AN ACT

To amend section 2 of an act entitled "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessments, and to repeal 'An act to authorize certain cities to make improvements and to issue bonds in anticipation of the assessment,' passed April 18, 1893," passed March 29, 1894.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessments, and to repeal 'An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the assessment,' passed April 18, 1893," be amended so as to read as follows:

SEC. 2. City council or any board empowered to pave the streets of any such cities shall have like authority upon the petition of the property owners owning the majority of the front feet on any such street, avenue or alley, or part thereof, in any such city to cause the same to be paved with granite or other stone block, asphalt, asphalt block, vitrified brick or other permanent material, and to ordain that the cost of said improvements shall be assessed upon the property bounding and abutting on the same, according to the abutting foot, in accordance with the provisions of this act and other provisions of law now enacted or

hereafter to be enacted, applicable thereto and not inconsistent with this act.

SECTION 2. That section 2 of the above recited act be hereby repealed and this act shall take effect at the earliest period allowed by law.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 27, 1896.

382L

[House Bill No. 723.]

AN ACT

To create a joint sub-school district in Madison township, Fayette county, Ohio, and to detach certain territory from subdistrict No. 2, Perry township, Pickaway county, and from Marion township, Fayette county, for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Waterloo subdistrict number 2, Madison township, Fayette county, Ohio, be and the same is hereby created a joint sub-school district for school purposes, with all the privileges, rights, powers and duties, and subject to all the laws and conditions of joint subdistricts established in pursuance of the Revised Statutes of Ohio, and that there be transferred to said Waterloo subdistrict number 2 the following territory, to wit: Situate in subdistrict number 2, Perry township, Pickaway county, Ohio, and in Marion township, Fayette county, Ohio, and beginning at the southwest corner of Wm. Mouser's estate; thence with his south line in a northeasterly direction, crossing the Fayette and Pickaway county line to a point where the center of Deer creek crosses said Mouser's line; thence up said creek and with the meanderings of the same to a point where the center of said creek crosses the said Fayette and Pickaway county line; thence with said county line in a southerly direction to the Madison and Marion township line; thence with said township line in a westerly direction to the center of the Knight road; thence with the center of said road and in a southeasterly direction to the center of the Washington and Waterloo pike and in the line of O. W. Loofborrow and Wm. Fitzgerald's land; thence in the same direction as the said Knight road through the land of said Loofborrow and Fitzgerald to their south line; thence with said line in a northeasterly direction to their southeast corner, also the southwest corner to I. N. Beatty's land; thence with said Beatty's south line in a northeasterly direction to the center of a county road; thence with the center of said road and leaving the line of Beatty in a southerly and southeasterly direction to a point where a straight line drawn from the southwest corner of the said Wm. Mouser's estate (also the beginning point) and in the same direction as the south line of said estate will intersect the center line of said road; thence with said line in a northeasterly direction to the beginning.

And that the foregoing described territory be detached from subdistrict No. 2 of Perry township, Pickaway county, Ohio, and from subdistrict No. 4 of Marion township, Fayette county, Ohio, of which it now forms part, and attached to said subdistrict No. 2, of Madison township, Fayette county, Ohio.

SECTION 2. Said joint subdistrict shall in all respects be governed by such laws as now or may hereafter be in force, relating to joint sub-school districts, not inconsistent with this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
383L

Passed April 27, 1896.

[Senate Bill No. 331.]

AN ACT

To supplement section 2 of an act entitled "An act to establish a state board of health in the state of Ohio," passed April 14, 1886, as amended March 14, 1893.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act entitled "An act to establish a state board of health in the state of Ohio," passed April 14, 1886, as amended March 14, 1893, be supplemented as follows:

SEC. 2a. In cities of the first grade of the first class, the duly constituted authorities, as provided by law, shall have authority and control in introducing a system of sewerage, and in locating, constructing and extending all sewers within the limits of any such city, whether the same be for general sewerage or for surface water only, and for such purpose may condemn the necessary right for an outlet or extension of sewers beyond the limits of the city; and whenever any sewer or system of sewers has an outlet into any stream, above the intake of any water works system, drawing water from such stream, the board of administration of such cities shall have power and authority to prohibit any connection with such sewer or system of sewers, for any other purpose than for draining surface water therein; provided, however, that nothing in this act shall be held to abridge or in any way to interfere with the authority now vested by law in the state board of health.

SECTION 2. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
384L

Passed April 27, 1896.

[Senate Bill No. 339.]

AN ACT

To regulate the licensing of dogs and the collection and disposition of dog license fees in cities of the first grade of the first class, and to provide for the disposition of unlicensed dogs.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who owns or harbors a dog within the corporate limits of any city of the first grade of the first class, shall procure a yearly license and pay the sum of two dollars for each dog as hereinafter provided; and in applying for such license, the owner shall state in writing the name, sex, breed, age, color and markings of the dog, for which the license is to be procured.

SECTION 2. Licenses granted under this act shall date from the first days of July, October, January or April, in each year, and shall be issued for one year from date of issue.

SECTION 3. All license fees which shall become due on said first days of July, October, January or April, shall be considered delinquent if not paid within fifteen days thereafter; or, for every month or fraction of a month a license shall remain delinquent after the fifteen days allowed from the first days of July, October, January or April, as aforesaid, there shall be added to the whole amount of such license fee a penalty of five per cent., which shall be collected in the same manner as the license fee. But the addition of a penalty to a license shall not exempt the person from whom such license fee may be collectable from any penalty to which he or she may be liable for violating any of the provisions of this act.

SECTION 4. Each certificate of license or renewal shall state the name and address of the owner of the dog, and also the number of such license or renewal.

SECTION 5. Every dog so licensed shall, at all times, have a collar about its neck, with a metal tag attached thereto, bearing the number of the license. Such tag shall be supplied to the owner with the certificate of license, and shall be of such form and design as the society empowered to carry out the provisions of this act shall designate, and duplicate tags may be issued only on proof of loss of the original and the payment of the sum of fifty cents therefor.

SECTION 6. Dogs not licensed pursuant to the provisions of this act shall be seized, and if not redeemed within forty-eight hours, may be destroyed or otherwise disposed of at the discretion of the society empowered and authorized to carry out the provisions of this act.

SECTION 7. Any person claiming a dog seized under the provisions of this act, and proving ownership thereof, shall be entitled to resume possession of the animal on payment of the sum of one dollar; provided, however, that such claim shall be made before the expiration of the forty-eight hours as provided in section six.

SECTION 8. The Ohio humane society is hereby empowered and authorized to carry out the provisions of this act, and the city auditor shall issue the licenses and renewals, and to collect the fees therefor, as herein prescribed and shall pay the proceeds over to the said society; provided, however, that the said society shall defray the cost of carrying out the

provisions of this act, and shall establish and maintain a home or shelter for lost, strayed or abandoned dogs and other animals.

SECTION 9. Any person or persons who shall hinder or molest or interfere with any officer or agent of said society in the performance of any duty enjoined by this act, or who shall use a license tag on a dog for which it was not issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the police court or any justice of the peace shall be fined not more than one hundred dollars.

SECTION 10. Any person who shall steal a licensed dog or a license tag within the corporate limits of any city of the first grade of the first class, shall be guilty of a misdemeanor, and upon conviction thereof before the police court or any justice of the peace shall be fined for such offense any sum not exceeding one hundred dollars and cost of prosecution, and in default of payment of such fine shall be committed to prison by such police court or justice of the peace until the same shall be paid, but such imprisonment shall not exceed one hundred and fifty days; provided, that all fines collected for violations of this act shall be paid to the Ohio humane society, to be used in enforcing the provisions of this act, and for the support of a home or shelter for homeless animals.

SECTION 11. Any justice of the peace or police judge within the city where he has jurisdiction shall have jurisdiction in cases of violations of the provisions of this act. If such prosecution be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county to serve as jurors to try such case, and make due return thereof. Each party shall be entitled to two peremptory challenges and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable to summon any of the bystanders to act as jurors; provided, that in all cases prosecuted under the provisions of this section (no costs shall be required to be advanced or paid by the person or persons authorized under the law to prosecute such cases); and provided further, that in all cases brought under the provision of this section, if the defendant be acquitted, or if convicted, and committed in default of paying fine and costs, the costs of each case shall be certified under oath to the county auditor, who, after correcting the same, shall issue [a] warrant on the county treasury in favor of the persons to whom such costs and fees shall be paid.

SECTION 12. None of the provisions of this act shall apply to dogs owned by non-residents passing through the city, nor to dogs brought to the city and entered for exhibition at any dog show.

SECTION 13. All acts and parts of acts, ordinances and parts of ordinances, conflicting with any of the provisions of this act, be and the same are hereby repealed, as to cities of the first grade of the first class.

SECTION 14. This act shall take effect and be in force from and after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 27, 1896.

385L

[Senate Bill No. 325.]

AN ACT

To repeal an act passed March 16, 1887, as amended April 12, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That "An act to authorize the commissioners of Muskingum county to sell the Muskingum county railway," passed March 16, 1887 (O. L., vol. 84, pages 372 and 373), as amended April 12, 1892 (O. L., vol. 89, page 619), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from ~~and~~ after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

386L

[Senate Bill No. 393.]

AN ACT

To authorize the school board of Laurelville, Hocking county, Ohio, to levy an ~~ad-~~ditional tax for the erection of a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Laurelville, Hocking county, Ohio, special school district be and is hereby authorized to levy upon the taxable property of said district in addition to the amount now authorized by law fourteen mills on the dollar, for the erection of a school house therein, the cost of which is not to exceed five thousand dollars; provided, however, that said board of education shall first submit the question of said additional tax to the qualified voters of said district at a general or special election, giving ten days' notice thereof, and those in favor of said tax shall have on their ballots "School tax—Yes," and those opposed "School tax—No." If a majority of those voting at said election shall be found in favor of said tax then said levy may be made.

SECTION 2. This act shall take effect and be in force from ~~and~~ after its passage.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 27, 1896.

387L

JOINT RESOLUTIONS.

[House Joint Resolution No. 1.]

JOINT RESOLUTION

Arrangement for the inauguration of governor.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of five members of the senate and seven members of the house be appointed respectively by the president and speaker to represent and act on behalf of the general assembly and to coöperate with committees on behalf of civic and military organizations and bodies in arranging for the inauguration of the governor-elect, Gen. Asa S. Bushnell, on Monday, January 13, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 8, 1896.

1

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Authorizing the appointment of a joint committee to wait upon the governor.

Resolved, That a committee of three on the part of the senate and three on the part of the house, be appointed to wait upon the governor and inform him that the general assembly is now in session, and ready to receive any communication which he may see fit to transmit.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January, 14, 1896.

2

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Authorizing the appointment of a joint committee on rules.

Be it resolved by the General Assembly of the State of Ohio, That a joint

committee of three on the part of the senate and three on the part of the house be appointed to prepare and report joint rules for the two houses.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 14, 1896.

3

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Providing for a joint session of the two houses.

Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the statutes, on Wednesday, January 8, 1896, at 11 o'clock a. m., in the hall of the house of representatives to witness the count of the votes cast for governor, lieutenant-governor, auditor of state, treasurer of state and attorney-general, at the election held on the first Tuesday after the first Monday in November, 1895.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 14, 1896.

4

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Relating to the Cuban belligerents.

Be it resolved by the General Assembly of the State of Ohio, That we extend our sympathy to the patriots of Cuba, who are so valiantly struggling for liberty from the oppressive misrule of an European power; and express the belief that the time has arrived when the government of the United States should recognize the Cuban belligerents.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 17, 1896.

5

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Concerning the election of a United States Senator.

Resolved by the General Assembly of the State of Ohio, That the members of the two branches of the general assembly convene in joint assembly in the hall of the house of representatives at 12 o'clock m., on Wednesday, January 15, 1896, for the purpose of taking such action relative to the election of a United States senator in congress, as is provided for by law.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted January 17, 1896.

6

[Senate Joint Resolution No. 9.]

JOINT RESOLUTION

Adjourning general assembly from January 8th to January 13th, 1896.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Wednesday, January 8, it be to meet on Monday, January 13, 1896, at nine o'clock a. m.

• DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted January 17, 1896.

7

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Providing for a biennial session.

WHEREAS, It is in accordance with the terms of the constitution, and the desire of the people of the state of Ohio;

Resolved by the General Assembly of the State of Ohio, That the present session thereof, shall be ended by adjournment without day.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted January 21, 1896.

8

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to the distribution of volume VII of the geological survey of Ohio.

Be it resolved by the General Assembly of the State of Ohio, That five copies of volume VII of the geological survey of Ohio, be distributed to each member of the senate, and five copies be distributed to each member of the house of representatives.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 21, 1896.

9

[House Joint Resolution No. 4.]

JOINT RESOLUTION

Requesting the senators and congressmen from this state to use their influence towards amending the pension laws.

WHEREAS, There have been hundreds of pensioners dropped from the pension rolls, and demands have been made for new evidence, which in all cases is hard to get, and in some cases impossible on account of lapse of time, and death of comrades; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the United States senators and members of congress from this state be requested and urged to do all they possibly can by their votes and influence, towards so amending the pension laws, that, when the men, who, by their valor and patriotism, saved and perpetuated this union, are once placed on the pension rolls of the United States they shall not be suspended or dropped from those rolls unless the government shall first show conclusively that such pensions were obtained by fraud or misrepresentation. That a copy of this resolution be sent to each United States senator and member of congress from this state.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

10

[House Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to the printing of a list of members, officers and standing committees of both houses.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and clerk of the house are hereby directed to have

printed and bound five thousand (5,000) copies of the list of members, officers and standing committees of the senate and house of representatives; one thousand and five (1,500) hundred copies for the use of the senate, and three thousand and five (3,500) hundred copies for the use of the house of representatives.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

11

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Concerning the printing of 300 additional copies of house bill No. 76.

Resolved by the General Assembly of the State of Ohio, That there be printed ten hundred (1,000) additional copies of house bill number 76, for the use of the members of the general assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

12

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Appointing a joint committee on investigation for Cuyahoga county.

Resolved by the General Assembly of the State of Ohio, That a select committee be appointed consisting of senators Avery and Clark on the part of the senate, and representatives Block, Breck and Bramley on the part of the house, said committee to be authorized to investigate the management, receipts and emoluments of any or all county officers in any county containing a city of the first class, second grade, and that such committee be authorized to send for persons, books and papers, and have [be] authorized to subpoena witnesses in any part of the state of Ohio to be and appear before such committee at such time and place as may be designated in the subpoena, to testify touching matters of inquiry committed to such committee, and to cause the production of books, papers and records by such witnesses, and said committee may report by bill or otherwise. Provided, however, that a good and sufficient bond be given to save the state harmless from all costs incurred, by way of witnesses' fees

or otherwise, by said committee; said bond to be approved by the auditor of the state of Ohio.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

13

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

Authorizing the printing of additional copies of senate bill No. 14.

Resolved by the General Assembly of the State of Ohio, That the clerk of the senate be and he is hereby directed to have printed ten hundred (1000) additional copies of senate bill No. 14, for the use of the members of the general assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

14

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Authorizing the clerk to have printed fifteen hundred copies of house bill No. 94.

Resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives is hereby directed to have printed for the use of the members of the general assembly, fifteen (1500) hundred copies of house bill No. 94.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted January 23, 1896.

15

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Concerning the printing of additional copies of all bills and joint resolutions.

Be it resolved by the General Assembly of the State of Ohio, That there shall be printed ninety additional copies of all bills and joint resolutions

which have been printed within the past ten days, excepting those of which at least five hundred additional copies have heretofore been ordered printed.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted January 24, 1896.

16

[House Joint Resolution No. 17.]

JOINT RESOLUTION

Authorizing the printing of five hundred copies of house bill No. 68.

Resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives is hereby authorized and directed to have printed five hundred (500) additional copies of house bill No. 68, for the use of the members of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted January 29, 1896.

17

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Requesting our senators and representatives in congress to use their influence in securing the passage of an act ceding certain lands to the state of Ohio.

WHEREAS, The Ohio canal commission in the prosecution of its work of investigating the titles of state lands, finds that section 7, town 6 south, range 4 east, Auglaize county, Ohio, is the property of the United States; and,

WHEREAS, said section seven is wholly within the limits of the Mercer county reservoir and therefore a part of the public works of Ohio, and any disposition of it to private parties or corporations would work great injustice to the public works of the state; and,

WHEREAS, The canal commission having made application to the commissioner of the general land office for a patent to the land in the said section seven under the swamp land act of 1850, and said application having been rejected, and the application is now pending on an appeal before the secretary of the interior; therefore,

Be it resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their good offices in securing the passage of an act ceding the land in question to

the state of Ohio, and that the governor be requested to forward to our senators and representatives of Ohio, a certified copy of this resolution.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Adopted January 29, 1896.

18

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Directing the adjutant general to sell certain granite blocks.

Resolved by the General Assembly of the State of Ohio, That the adjutant general be, and hereby is, authorized to sell to the highest responsible bidder, the three blocks of granite now on the walks in front of the state house, and that he is requested to have the same removed as soon as possible.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Adopted February 3, 1896.

19

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Concerning the election of United States senators by a direct vote of the people of each state.

Resolved by the General Assembly of the State of Ohio, That the senate and house of representatives of the United States of America be memorialized as follows: The general assembly of the state of Ohio respectfully requests the congress of the United States to submit a constitutional amendment providing for the election of United States senators by a direct vote of the qualified electors of each state of the Union. The general assembly believes that such an amendment to the national constitution will result in each state having at all times a full representation in the national senate, will prevent protracted and disturbing contests for membership therein, and will prevent all attempts to influence improperly or corruptly the selection of members to the national senate. The general assembly believes that as all political power in the United States comes from the people, that the sole right to select all legislative officers should by the constitution be vested directly in the people.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial, [with the vote upon its passage,] under the great seal of this state, to the senators and represen-

tatives in congress from this state, in order that the same may be brought to the attention of the congress of the United States.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 3, 1896.

20

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Authorizing the commissioner of railroads and telegraphs to have printed (15,000) fifteen thousand additional railroad maps, and providing for the distribution of the same.

Be it resolved by the General Assembly of the State of Ohio, That in addition to the railroad maps of Ohio, authorized to be printed by section 63 of the Revised Statutes, the commissioner of railroads and telegraphs be and he is hereby authorized to have printed and mounted fifteen thousand (15,000) additional maps, twelve thousand (12,000) to be printed on cloth paper and mounted with hangers of tin or wood; and three thousand (3,000) to be printed on cloth paper and bound in book form; and that contract for the same be let to the lowest bidder; bids to be solicited by the commissioner from at least five of the leading firms in Ohio who do such work. Provided further, that these additional maps shall be distributed by the commissioner of railroads and telegraphs as follows: To each member of the seventy-second general assembly seventy-five copies of the cloth-hanger mounted, and fifteen copies of the pocket edition.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 3, 1896.

21

[House Joint Resolution No. 7.]

JOINT RESOLUTION

On the singling [out] of wool for the free list.

WHEREAS, The singling out of wool for the free list in the present tariff law has proven a calamity of appalling proportions to the sheep husbandry of the United States, which should be rectified by the present congress by the reimposition of a duty on that staple; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators and representatives from Ohio in the national congress now assembled are hereby requested to use all honorable means by influence

and vote to secure the passage of the house bill which restores 60% on the schedule in the McKinley bill on wools and woolen goods.

Resolved, That a copy of this resolution be forwarded to our delegation in congress.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 6, 1896.

22

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Asking government protection for Christians in Armenia.

WHEREAS, The Christian people of America and the civilized world have been shocked by the intelligence of the outrages inflicted and the brutal murders committed by the moslem savages in Armenia since the commencement of the last massacres in September, 1894, since which time, it is said, as many as 75,000 persons, men, women and children, have been put to death for no other or better reason than because of their devotion to the Christian religion; therefore,

Be it resolved by the General Assembly of the State of Ohio, That we earnestly petition our senators and representatives in congress to urge the adoption of such measures as will show to all the world our abhorrence of such atrocities as have been committed in Armenia, and extend to them such protection and material aid as is within the power of this government and as will protect, in that and other fields, our missionaries from violence, outrage and indignity, and will enable them to pursue their work of faith, labor and love in the interests of a brighter and better civilization.

Be it further resolved, That the governor of the state of Ohio cause to be transmitted to our senators and representatives in congress duly certified copies of the above resolution.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 7, 1896.

23

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Directing the printing of additional copies of senate bills Nos. 48 and 49.

Be it resolved by the General Assembly of the State of Ohio, That

there be printed five hundred (500) additional copies each of senate bills Nos. 48 and 49 for the use of the general assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted February 7, 1896.

24

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to the publication of Howe's historical collections of Ohio.

WHEREAS, The state of Ohio owns the copyright, electrotypes plates, engravings and all other apparatus and matter, necessary and requisite for the publication of Howe's historical collection of Ohio, centennial edition, and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of the state of Ohio, and the same should be disseminated in a proper manner among the public schools, public libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby authorized to contract for and have printed from said plates, engravings, etc., six thousand (6,000) copies and bound in sets of two volumes each at a cost not to exceed \$1 and 30-100 per set; that said printing and binding shall be done under the direction of the supervisor of public printing.

Resolved, That when said history is printed and bound as aforesaid the same shall be delivered to the secretary of state and the following disposition and distribution made thereof: To the state library for exchange, fifty sets; to each state institution, one set; to each member of the seventy-second general assembly of Ohio, twenty sets, and the remainder to be deposited with the secretary of state and be by him sold at two dollars per set, and the proceeds thereof paid into the state treasury to the credit of the general revenue fund.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted February 13, 1896.

25

[House Joint Resolution No. 23.]

JOINT RESOLUTION

Concerning the printing of "manual of legislative practice."

Be it resolved by the General Assembly of the State of Ohio, That the clerks of the senate and house of representatives are hereby directed

to have printed upon number one book paper of suitable weight, and bound, twenty-five hundred copies of the "manual of legislative practice" of the general assembly of Ohio, for the years 1896 and 1897, six hundred copies for the use of the senate, and nineteen hundred copies for the use of the house of representatives.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted February 13, 1896.

26

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

Authorizing additional copies of senate bills 98, 99, 100 and 102.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate is hereby authorized and directed to have printed five hundred (500) additional copies of each of the following senate bills: Nos. 98, 99, 100, and 102, for the use of the general assembly.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted February 14, 1896.

27

[Senate Joint Resolution No. 18.]

JOINT RESOLUTION

Providing for a centennial commission for an Ohio centennial celebration in A. D. 1903.

WHEREAS, There is a widespread feeling on the part of the people of this state, favorable to the proper observance of the one hundredth anniversary of the admission of Ohio to the union, and

WHEREAS, The century just passing covers a period wherein the population has increased from 45,365 in 1800 to 3,672,316 in 1890, and the wealth of the state, as shown by its assessed taxable property has multiplied from a comparatively small amount in 1800, to \$1,742,500,000 in 1895, and in these and many other ways exhibits the marvelous growth, development, and civilization of the commonwealth,

Resolved by the General Assembly of the State of Ohio, That there be appointed by the governor, as soon as practicable, a commission of seven suitable persons, resident of this state, whose duty it shall be to formulate plans, and devise ways and means for the due observance of the centennial of Ohio in the year 1903 and report the same to the next general assembly in writing.

Resolved, That said commission shall act without compensation, other than the actual expenses made necessary by the execution of its duties and object.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted February 19, 1896.

28

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Requesting and instructing senators of the state of Ohio, in the congress of the United states, and our representatives, to use their influence and vote against bridging the Detroit river.

WHEREAS, Propositions are now pending before committees in both houses of congress for the construction of a bridge, with draw openings, across the Detroit river, and,

WHEREAS, Transportation at the lowest possible cost, between the east and the west can only be secured and maintained by preserving the great waterway entirely free and unobstructed, and,

WHEREAS, The construction of such bridge at this narrowest channel on the whole line of water communication would seriously impede and injure its commerce, and,

WHEREAS, The mining, manufacturing, and agricultural interests of the state of Ohio are directly concerned in the preservation of this channel entirely free from interchange, between herself and sister states, of all raw and manufactured products, and,

WHEREAS, The free and unobstructed use of these waters is a natural right of the people, which government should never permit to be abridged or imperiled by concessions to individuals or to corporations; and,

WHEREAS, Additional facilities for crossing can be acquired by individuals or corporations, either by an adequate enlargement of the ferriage system, or by the construction of a tunnel; therefore,

Resolved by the General Assembly of the State of Ohio, That the senators in the congress of the United States, from the state of Ohio, be instructed, and our representatives requested, to use their influence and vote against any bill authorizing or permitting the construction of a bridge across the Detroit river;

Resolved by the General Assembly of the State of Ohio, That the governor of the state of Ohio be requested to transmit a certified copy of these resolutions to each of the senators and members of congress, from the state of Ohio.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted February 19, 1896.

29

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Authorizing the printing of the annual report of the adjutant general for the year 1895.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing, be and is hereby directed to cause to be bound in cloth three hundred (300) copies of the annual report of the adjutant-general of the state for the year 1895.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted February 19, 1896.

30

[House Joint Resolution No. 26.]

JOINT RESOLUTION

Relative to the printing of 500 additional copies of house bill No. 341.

Resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of house bill No. 341 for the use of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted February 19, 1896.

31

[House Joint Resolution No. 24.]

JOINT RESOLUTION

Concerning the appointment of a commission to the Mexican national exposition.

WHEREAS, The republic of Mexico will, at the capitol, the city of Mexico, in September of this year, open to the world an exposition commemorative of the advancement of the nation in the industries and the arts, and

WHEREAS, An invitation has been extended to the government of the state of Ohio, in common with all of the states of the American union, to participate in the exhibits of the products of western civilization, and

WHEREAS, A large number of the American states have already appointed commissioners to arrange for exhibits and to represent their respective states; therefore,

Be it resolved by the General Assembly of the State of Ohio, That in recognition of the eminent propriety of the state of Ohio taking part

in the Mexican national exposition of industries, and fine arts, the governor of the state be and is hereby authorized to appoint a commission, to consist of six members, not more than four of whom shall be of the same political party, who shall serve without pay or compensation, but whose actual and legitimate expenses, not to exceed in the aggregate such amount as may be hereafter appropriated for such purpose, shall be paid, on vouchers to be approved by the governor, and whose duty it shall be to aid our people in making such an exhibit as will properly and adequately represent Ohio at the said Mexican national exposition.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted February 27, 1896.

32

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Authorizing additional copies of senate bill No. 126.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 500 additional copies of senate bill No. 126 for the use of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted March 3, 1896.

33

[Senate Joint Resolution No. 28.]

JOINT RESOLUTION

Providing for an adjournment from February 28th to March 3, 1896.

WHEREAS, The accredited newspaper correspondents of the general assembly will be unavoidably absent from the state, Monday the 2d day of March, 1896,

Be it resolved by the General Assembly of the State of Ohio, That when the said general assembly adjourns on Friday, the 28th day of February, 1896, it be until Tuesday, the 3d day of March, 1896, at 4 p. m.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted March 3, 1896.

34

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

Directing the admission of Luella Carr to the Athens state hospital.

WHEREAS, Luella Carr, formerly a citizen of this state having lost her residence on account of marriage and having removed to Pennsylvania, and having returned to this state, has been adjudged insane by the probate court of Washington county, Ohio, and by order of said court is now confined in the infirmary of said county, by reason of said non-residence not entitled to admission into any of the state hospitals of the state of Ohio; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the superintendent of the Athens state hospital be and he hereby is authorized and required to admit said Luella Carr to said hospital for treatment, and the probate judge of said county of Washington is directed to issue his order for the removal of said Luella Carr to said Athens state hospital.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Adopted March 5, 1896.

35

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

Authorizing the printing of additional copies of senate bill No. 132.

Resolved by the General Assembly of the State of Ohio, That five hundred extra copies of senate bill No. 132 be printed for the use of the members.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate

Adopted March 5, 1896.

36

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

Authorizing additional copies of senate bill No. 108.

Be it resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of senate bill No. 108, for the use of the general assembly.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Adopted March 5, 1896.

37

[Senate Joint Resolution No. 32.]

JOINT RESOLUTION

Accepting the invitation of the Cleveland centennial commission to participate in certain exercises.

WHEREAS, The 22nd day of July, 1896, will witness the one-hundredth anniversary of the founding of the city of Cleveland and the settlement of the western reserve; and

WHEREAS, The city of Cleveland through a centennial commission composed of the governor, the secretary of state, the auditor of state, the president of the senate, the speaker of the house, the mayor and officials of Cleveland and a large number of leading citizens, has decided to suitably commemorate this important occasion by a series of observances extending from July 22 to September 10, inclusive, and designed to show the great advance in industry, commerce, education, religion, and the arts on the part of the western reserve and its metropolis; and

WHEREAS, the governor, staff, state officials and citizens of Connecticut have formally accepted an invitation to be present and participate in the exercises of "Founder's day," July 22; and

WHEREAS, Thursday, September 10, has been designated as "Ohio day," on which occasion the many distinguished sons of Ohio at home and abroad are to be invited to be present; and

WHEREAS, This body has received an invitation from the Cleveland centennial commission to participate in the exercises of both "Founder's day" and "Ohio day"; therefore,

Resolved by the General Assembly of the State of Ohio, That said invitation is hereby accepted.

Resolved, That this body extend to the citizens of Cleveland and the western reserve its heartiest congratulations on the completion of one hundred years of progress, a record of advancement in all that constitutes a great and growing, and influential community unsurpassed in history;

Resolved, That a committee of five be appointed on the part of the senate, by the president, and that a committee of seven on the part of the house, be appointed by the speaker of the house to coöperate with the Cleveland centennial commission in making the necessary arrangements for the reception of this body.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted March 9, 1896.

[Senate Joint Resolution No. 36.]

JOINT RESOLUTION

Directing the appointment of joint committee to investigate the office of the dairy and food commissioner.

WHEREAS, Certain charges have been made through the Cleveland Leader, Columbus State Journal and other leading newspapers in Ohio, to wit: That certain officials and attaches of the state food and dairy department of the state of Ohio have solicited and accepted a bribe or bribes in the sum of five thousand dollars, to suppress prosecutions; and

WHEREAS, Said charges are of a serious character, affecting the integrity of said department, and the interests of the people of Ohio; therefore,

Resolved by the General Assembly of the State of Ohio; That a committee of three on the part of the senate and four on the part of the house be appointed for the purpose of investigating the charges made against the food and dairy commissioner's office.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted March 9, 1896.

39

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Concerning the printing of additional copies of certain bills.

Resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of each of house bill No. 329, and house bill No. 432, and one thousand (1,000) additional copies of house bill No. 76.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted March 13, 1896.

40

[Senate Joint Resolution No. 35.]

JOINT RESOLUTION

Authorizing the printing of additional copies of certain bills.

Be it resolved by the General Assembly of the State of Ohio, That

there be printed five hundred (500) additional copies each of senate bill No. 189 and senate bill No. 85 for the use of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted March 17, 1896.

41

[Senate Joint Resolution No. 38.]

JOINT RESOLUTION

Directing the printing of extra copies of senate bills Nos. 171 and 179.

Be it resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies each, of senate bills Nos. 171 and 179, for the use of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted March 17, 1896.

42

[Senate Joint Resolution No. 39.]

JOINT RESOLUTION

Authorizing the printing of 500 copies of senate bill No. 176, senate bill No. 177 and senate joint resolution No. 14.

Resolved by the General Assembly of the State of Ohio, That there be printed of senate bill No. 176 and senate bill No. 177 and senate joint resolution No. 14 five hundred additional copies each, for the use of the general assembly.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.

Adopted March 17, 1896.

43

[Senate Joint Resolution No. 41.]

JOINT RESOLUTION

Directing the printing of 500 additional copies of senate bill No. 132.

Resolved by the General Assembly of the State of Ohio, That five hun-

ordered additional copies of senate bill No. 132 be printed for the use of the general assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 25, 1896.

44

[Senate Joint Resolution No. 42.]

JOINT RESOLUTION

Directing the printing of additional copies of senate bills Nos. 255, 122 and 249.

Resolved by the General Assembly of the State of Ohio, That there be printed five hundred additional copies of senate bills Nos. 255, 249 and 122 for the use of the general assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 25, 1896.

45

[Senate Joint Resolution No. 43.]

JOINT RESOLUTION

To ascertain the cost of laying underground electric wires between the state house and the Ohio penitentiary.

WHEREAS, An appropriation was made by the 71st general assembly for an electrical equipment at the penitentiary to light the state house and other state buildings and to run wires from the penitentiary to the state house; and

WHEREAS, The city of Columbus contemplates putting all wires underground; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be and hereby is instructed to ascertain the cost of placing the wires from the penitentiary to the state house underground and report the same to the general assembly, as soon as possible.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 25, 1896.

46

[House Joint Resolution No. 32.]

JOINT RESOLUTION

Relative to the printing of 1,000 additional copies of house bill No. 584.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members of the general assembly one thousand additional copies of house bill No. 584.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted March 30, 1896.

47

[House Joint Resolution No. 33.]

JOINT RESOLUTION

Concerning the appointment of a joint committee to investigate the ownership of certain property.

WHEREAS, The Ohio canal commission, in their last annual report, make the claim that the Valley railway company is illegally in possession of valuable state property in the city of Cleveland, Ohio; therefore,

Be it resolved by the General Assembly of the State of Ohio, That a select committee of three members on the part of the house and three on the part of the senate be appointed, to thoroughly investigate the claims of the state, and report at their earliest convenience, all the facts pertaining thereto, together with such recommendations as will in their judgment, enable the state to secure said property, should it be found that the state has any interest therein.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted March 30, 1896.

48

[House Joint Resolution No. 35.]

JOINT RESOLUTION

Concerning the printing of 500 additional copies of house bill No. 442.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives is hereby directed to have printed

five hundred additional copies of house bill No. 442 for the use of the **general** assembly.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 30, 1896.

49

[House Joint Resolution No. 36.]

JOINT RESOLUTION

Relative to the appointment of a joint committee to look into the advisability of abandoning the canals of the state.

WHEREAS, There is about to be introduced in the legislature a bill proposing to sell all the canal property, and,

WHEREAS, There is much talk in different parts of the state about the utility and non-utility of the canals of the state; therefore be it

Resolved by the General Assembly of the State of Ohio, That there be a committee of three on the part of the house, appointed by the speaker of the house, and three on the part of the senate, appointed by the president of the senate, to investigate and report to the two branches of the legislature the advisability of disposing of or retaining all, or any part of the canals of the state. Said committee shall make its investigation and report not later than April 10, 1896.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 1, 1896.

50

[House Joint Resolution No. 38.]

JOINT RESOLUTION

Requesting our senators and representatives in congress to use their influence in securing the passage of house bill No. 1, now pending in the congress of the United States.

WHEREAS, The United States railway mail service is of inestimable value and increasing importance to all classes of our citizens, and especially to the business classes; and

WHEREAS, The requirements of this branch of the postoffice department are so exactly calling for ability and sacrifices demanded in no other branch of the government service; and

WHEREAS, According to reports of the postoffice department, clerks on through runs can stand the physical and mental strain of the work but fifteen years on an average; and

WHEREAS, The continued improvements in the service demand additional requirements of the employes; and

WHEREAS, The honorable Mr. Linton, on behalf of the national association of railway postal clerks, has introduced in congress a bill to classify railway postal clerks and prescribe their salaries, said bill having been endorsed by the honorable postmaster-general, and reported favorably by the house committee on postoffices and post-roads; therefore, be it

Resolved, That the general assembly of the state of Ohio do endorse said H. R. bill No. 1 and petition our representatives and senators in congress to vote for, and by all just means in their power, secure the passage of said H. R. bill 1.

Resolved, That a copy of the foregoing preamble and resolutions be immediately transmitted to our senators and representatives in congress from this state.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted April 6, 1896.

51

[House Joint Resolution No. 31.]

JOINT RESOLUTION

Providing for the appointment of a commission on highways.

WHEREAS, There is now pending in the house of representatives of the United States' congress a bill, No 3339, to create a special commission on highways, which shall be composed of one senator of the United States, to be appointed as the senate may provide; two members of the house of representatives, appointed by the speaker of the house; the chief of engineer of the army; the director of the geological survey, and the chief of road inquiry of the department of agriculture; whose duty it shall be to inquire generally how the government may further promote the improvement of highways, and among other things, to consider the expediency of, and best methods of providing for, the scientific location of highways on the public domain; the employment of the geological survey in the discovery of road materials; the free testing of all road materials offered; construction of model roads and instruction in road-making at agricultural colleges and experiment station; the same at the military academy, and when practicable, at all institutions having a military instructor; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be and the same are hereby requested to vote for the said bill providing for the commission on highways as provided for therein.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 8, 1896.

52

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Requesting our senators and representatives in congress to use their good offices in securing the passage of the bill introduced by Hon. F. C. Layton.

WHEREAS, In the world's progress it has been regarded by civilized people fitting and proper to designate by appropriate structures and monuments, the places upon which important acts affecting a nation's welfare have been performed; and also to honor noble, patriotic and valourous men who achieved success in behalf of their country; and

WHEREAS, General Anthony Wayne, after a fierce conflict succeeded in subduing the Indian tribes and forever settled the question of pushing the western boundary of the United States beyond the river Ohio; and concluded a series of military campaigns on behalf of the United States by this treaty at "Greenville" more than a century ago, upon the present site of the city of Greenville; and

WHEREAS, In the opinion of our people, the services of General Wayne, and the importance of his treaty, are worthy to be marked and honored by some memorial structure erected upon the site where that treaty was consummated, more than a century having elapsed without any designation of the spot where the event occurred, and without any honorary monument to the victorious general; and

WHEREAS, The Hon. F. C. Layton, a congressman from Ohio, has introduced a bill asking congress to appropriate a sum of money to purchase a monument, that the same might be erected upon the site where that treaty was consummated; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress be requested to use their good offices in securing the passage of the bill as introduced in the house of representatives by the Hon. F. C. Layton, and that the governor be requested to forward to said senators and representatives a certified copy of the resolution.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 8, 1896.

53

[Senate Joint Resolution No. 40.]

JOINT RESOLUTION

Relative to the adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That

the seventy-second general assembly adjourn sine die on Monday, the twenty-seventh day of April, 1896, at 12 o'clock meridian.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted April 14, 1896.

54

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Providing for holding a constitutional convention.

Resolved by the General Assembly of the State of Ohio, Two-thirds of the members elected to each branch concurring, that it is necessary to call a convention to revise, amend or change the constitution of this state, and we recommend to the electors to vote at the next election for members to the general assembly, to be held on the first Tuesday after the first Monday in November, A. D. 1897, for or against such a convention, to be convened in the year 1898. The deputy state supervisors of election are authorized to have printed on all official ballots under each party emblem the words "Constitutional convention—Yes," and the words "Constitutional convention—No." When the words above are printed upon the official ballot, the choice of the elector in the affirmative may be expressed by a cross mark in the circular space above the name of the party, in the manner of voting a straight ticket, and all tickets having a cross mark in such space shall be counted in the affirmative, or such affirmative vote may be expressed by a cross mark opposite the line containing the word "yes;" and the choice of an elector in the negative may be expressed by a cross mark opposite the line containing the word "no." If in any county the deputy supervisors decide not to print the words above on the official ballot, the vote shall be by separate ballot, and deposited in a separate ballot box, as is provided in section 18 in the election laws. And the state supervisors of elections are hereby authorized to do such acts as are necessary to provide for the submission and determination of the questions as aforesaid. Said convention shall not sit more than ninety days; and the pay of the members elected to the same shall not exceed five (\$5) dollars per day each.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted April 16, 1896.

55

[House Joint Resolution No. 42.]

JOINT RESOLUTION

Concerning the passage of a certain bill known as senate bill 1892, by Mr. Sherman, now pending in the congress of the United States.

WHEREAS, There is now pending in the congress of the United States a certain bill, known as senate bill No. 1892, by Mr. Sherman, providing a pension of fifty dollars per month for the survivors of those who participated in the celebrated "Andrew's raid," and

WHEREAS, These Ohio boys accomplished one of the most daring and intrepid deeds of the war, if not of all time, and deserve the undying gratitude of the American people for the services they rendered and the suffering they endured; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress from this state be and are hereby requested to use every effort and all honorable means to secure the passage of said bill; and be it further

Resolved, That the governor be and is hereby requested to transmit a copy of this resolution to our delegation in congress.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER.

President pro tem. of the Senate.

Adopted April 16, 1896.

56

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Concerning the distribution of the final report of the Ohio Chickamauga and Chattanooga national park commission.

WHEREAS, The final report of the Ohio Chickamauga and Chattanooga national park commission has been prepared by captain Joseph C. McElroy, its corresponding secretary, and

WHEREAS, By order of said commission 5,000 copies of the report were published and are now ready for distribution, therefore,

Resolved by the General Assembly of the State of Ohio, That said copies of said report be distributed as follows, to wit:

To the governor of Ohio, 10 copies.

To ex-governor William McKinley, 10 copies.

To ex-governor James E. Campbell, 10 copies.

To each member of said commission, 10 copies.

To senators John Sherman, Calvin S. Brice, and senator-elect Joseph B. Foraker, each 1 copy.

To the secretary of war, 1 copy.

To each member of the national Chickamauga park commission and to the secretary thereof, 1 copy.

To general W. S. Rosecrans, to the widow or family of general George H. Thomas, to the son of general Gordon Granger, to the families of

general James A. Garfield, general Philip H. Sheridan, general James B. Steadman, general George Crook, general August Willich, general William H. Lytle, general Samuel Beatty, general William B. Hazen, general Charles G. Harker, general John G. Mitchell, general Daniel McCook, general Ferdinand Van Derveer, general Timothy R. Stanley and colonel John M. Connell, one copy each. Also one copy each to Rev. J. J. Manker, D.D., and right reverend bishop Watterson. To the members of the seventy-second general assembly, 10 copies each. To the state library, 50 copies, out of which allotment shall be sent by the state librarian one copy to the state library of each state of the union.

To the adjutant-general of Ohio, 2,900 copies for distribution among Ohio soldiers, who participated in the battle of Chickamauga, provided, however, that not more than 60 copies shall be given to the members of any one regimental organization, and not more than 20 copies to the ex-members of any one battery organization, and provided further that a record of the name and postoffice address of the persons to whom the books are issued together with the regiment and company, or battery in which they served shall be kept in the office of the adjutant-general for the inspection of those interested therein. The residue, being 400 copies more or less to said Ohio commission to be distributed at its discretion, among the public libraries of the state of Ohio, and among such military institutions and organizations of the United States as may maintain libraries for the use of inmates and members.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Adopted April 16, 1896.

57

[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

Urging congress to establish a Vicksburg national park commission.

Resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress from this state are hereby requested and urged to do all they justly can to secure the prompt passage by congress of house bill No. 4379 "To establish a national military park to commemorate the campaign, siege and defense of Vicksburg" which has been favorably reported by the committee on military affairs. "Every foot of ground of the proposed military park is consecrated by the blood of heroes and this story of the siege of Vicksburg while written, it is true, in the blood of brothers, is a lasting and imperishable monument to American courage and patriotism."

Resolved, That a copy of this resolution be sent to each senator and representative in congress from the state of Ohio.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 16, 1896.

58

[Senate Joint Resolution No. 20.]

JOINT RESOLUTION

Concerning the boundary line between the states of Ohio and Michigan.

WHEREAS, It appears that the boundary line between Lucas county, Ohio, and Monroe county, Michigan, should be more clearly defined; therefore,

Be it resolved by the General Assembly of Ohio, That the governor of the state of Ohio, is authorized and empowered to appoint a commission of three, residents of the state of Ohio, and request of the state of Michigan to appoint a similar commission on the part of Michigan for the purpose of fully defining the exact rights of either state of the land in question. The question to be carefully inquired into as shown by the records of both states and, if be necessary for final action, the findings of this joint commission be submitted to the United States government, for definite understanding and establishment of the boundary line.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 17, 1896.

59

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Concerning the trial of further indictments against Col. A. B. Coit.

WHEREAS, Col. A. B. Coit was directed by William McKinley, governor and commander-in-chief of the militia of Ohio, to proceed to Washington court house, Fayette county, in this state, with troops, to aid the civil officers in enforcing the laws; and

WHEREAS, After reaching there, and in the execution of said order, said Col. Coit gave orders to the troops under his command to fire, resulting in the death of several citizens; and

WHEREAS, Three indictments were found and returned by the grand jury of said Fayette county, charging said Coit in each indictment with the crime of manslaughter; all of which were removed upon change of venue to the county of Pickaway; and

WHEREAS, One of said indictments was selected by the prosecuting attorney of said county of Fayette, upon which trial was had, resulting in the acquittal of said Coit, thereby entailing large expense upon the tax-payers, for costs, expenses and attorneys' fees; and

WHEREAS, The general assembly are of the opinion that said other indictments ought not to be further prosecuted; therefore,

Be it resolved by the General Assembly of the State of Ohio, That unless within twenty days from the passage of this resolution, citizens of Ohio enter into bond to acceptance of the auditor of state, in the penal sum of fifty thousand dollars, to the effect that the state of Ohio shall be saved harmless from the payment of any costs, expenses, or attorney

fees growing out of the further prosecution or defense of said untried indictments, the attorney-general of this state be and is hereby authorized and directed to appear in the court of common pleas of said county of Pickaway and enter or cause to be entered a *nolle prosequi* to each of said remaining indictments.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 17, 1896.

60

[House Joint Resolution No. 45.]

JOINT RESOLUTION

Concerning the printing of two thousand copies of the report and bill prepared by the Torrens commission.

WHEREAS, On information from the governor there is a very large number of applications for the report and bill prepared by the Torrens commission; and

WHEREAS, The entire edition of the same in pamphlet form ordered by the governor is exhausted; and,

WHEREAS, Said report and bill are of great public interest; therefore

Be it resolved by the General Assembly of the State of Ohio, That two thousand copies of the said report and bill be printed with amendments and that the same be distributed as follows: To the members of the Torrens commission 150 copies; to the general assembly 850 copies; and to the secretary of state 1000 copies for distribution on request.

CHARLES H. BOSLER,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 18, 1896.

61

[Senate Joint Resolution No. 34.]

JOINT RESOLUTION

Petitioning congress to erect a monument on the site of the battle of Ft. Recovery, November, 1791.

WHEREAS, On the 4th day of November, A. D. 1791, at the present site of the village of Ft. Recovery, Ohio, a battle was fought; the contesting foes, the patriots of the original thirteen states upon one side, and the American Indians upon the other; and,

WHEREAS, This battle was the entering wedge to the settlement

and civilization of the great northwest territory, now comprising the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota,—a territory vastly superior to any part of the United States equal in area; and,

WHEREAS, 1,400 soldiers, men who were selected not only from one state, but from the whole union, and were honored as the pride of the American army, dared the wilderness and the hardships of Indian warfare, fighting to death, dying upon the field of glory, for the protection of the homes of the settlers from the cruel and bloodthirsty savages and for the sake of civilization; and,

WHEREAS, At that mortal conflict fell 631 Americans, truest and noblest patriots, and their bodies lay upon the ground and decayed under the burning rays of the sun of heaven,—even the sweet zephyrs of springtime, or the cold and chilly winds of the wintry blast, were not protection to them,—until their white bones lay bleached in an unbroken wilderness of forests, full of wild red men, and the only hope and comfort of kindred and loved ones was that

“On Fame’s eternal camping ground,
Their silent tents were spread,
And Glory guards, with solemn round,
The bivouac of the dead.”

On the 25th day of December, A. D. 1793, these bones were gathered together by the tender and loving hands of general Wayne and his army, and assigned to their last resting-place on the banks of the river Wabash; and,

WHEREAS, Contrary to the custom and the principles of our republic, not even a headstone marks the graves of these patriotic dead, to show to the American citizens, that this spot and these graves, is the place of that bloody battle which culminated in the defeat of general St. Clair,—a defeat which finds but one parallel in American history; and,

WHEREAS, The Hon. F. C. Layton, a congressman from Ohio, has introduced a bill, asking congress to appropriate a sum of money to purchase a monument, that the same might be erected in honor of these citizens, patriots and soldiers who fought for their country and their country’s welfare,—a monument befitting the pride and honor of our American government; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress be requested to use their good offices in securing the passage of this bill, as introduced in the house of representatives by the Hon. F. C. Layton, and that the governor be requested to forward to said senators and representatives a certified copy of this resolution.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 21, 1896.

[Senate Joint Resolution No. 49.]

JOINT RESOLUTION

Directing the dismissal of certain pending complaints.

WHEREAS, Certain complaints are pending before magistrates in this state against citizens of this state for having in possession wild deer, killed in other states, during the time when the having in possession thereof was made penal; and,

WHEREAS, The law making the having in possession of wild deer during such time was, on February 27, 1896, repealed by this general assembly, and such act is now perfectly lawful in this state; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the attorney-general be and he is hereby authorized and directed to dismiss all such complaints or criminal prosecutions, and his order to that effect, to the magistrate shall operate as a final dismissal and terminations of such complaints or prosecutions. Such dismissal, however, shall be conditional upon the parties complained of, paying the costs.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 21, 1896.

63

[Senate Joint Resolution No. 50.]

JOINT RESOLUTION

Ratifying a deed given by ex-governor Bishop to the city of Cleveland for certain canal land.

Be it resolved by the General Assembly of the State of Ohio, That the deed from Richard M. Bishop, governor of the state of Ohio to the city of Cleveland, dated October 31, 1879, executed in pursuance of an act of the general assembly of the state of Ohio, passed April 29, 1872, entitled "An act to authorize the city of Cleveland to enter upon and occupy a part of the Ohio canal," be and the same is hereby ratified, confirmed and approved as a deed in fee simple conveying all the interests of the state of Ohio in and to said lands. And the state of Ohio hereby disclaims any interests whatsoever in said lands.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 23, 1896.

64

[House Joint Resolution No. 50.]

JOINT RESOLUTION

Concerning the appointment of a commission to investigate the canal system of the state.

Be it resolved by the General Assembly of the State of Ohio, That the governor of the state of Ohio be and is hereby authorized to appoint a commission composed of three members of the house of representatives and two members of the senate. It shall be the duty of said commission to thoroughly investigate the condition of the entire canal system of the state of Ohio, together with all the reservoirs, feeders and land connected therewith; the cost of maintaining and operating the canals, and the advantages derived therefrom; and the rights and interests of all persons directly interested and dependent upon all such canals; and after a full investigation of the subject, said commission shall make report to the governor of the state of the findings of said commission, together with whatever recommendations they may have to make; such report shall be made not later than January 1, 1897. The report containing the findings, conclusions and recommendations of the commission shall be transmitted by the governor of the state to the general assembly of the state, together with such comments as he may by message see fit to make thereon, and such additional recommendations as he may desire to make thereto. Said commission is authorized to employ a clerk who shall be a stenographer, and there is hereby appropriated out of any money in the treasury to the credit of the general [revenue] fund a sum not to exceed fifteen hundred dollars, to defray the expenses of the commission under this act, an itemized account of which shall be filed with the governor, with the report. Upon the filing of said report as herein provided and the approval of said accounts, the auditor of state is hereby authorized and directed to draw his order on the treasurer in favor of said commissioners for expenses as herein provided. And it is further provided that the compensation for services of said commissioners shall not exceed the sum of fifteen hundred dollars (\$1,500).

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 24, 1896.

65

[House Joint Resolution No. 48.]

JOINT RESOLUTION

Authorizing the printing of 9,500 copies of "Ohio statesmen and hundred year book," and for the distribution of the same.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of the general assembly and the secretary of state nine thousand five hundred (9,500) copies of W. A. Taylor's "Ohio statesmen and hundred year book" which shall be bound in substantial library cloth, and distributed as follows: To each senator and representative

in the seventy-second general assembly, fifty (50) copies; to each state officer, ten (10) copies; to each officer of the seventy-second general assembly, two (2) copies; to the state library, two hundred copies; two hundred and fifty (250) copies to be sent by the author, at his own expense, to each of the daily and weekly newspapers of the state; the residue to be placed in the custody of the secretary of state and to be sold by him at a price in his discretion, not to exceed one dollar and fifty cents (\$1.50), by the single copy, with discretionary but uniform discount when sold in lots, the proceeds arising therefrom to be covered into the treasury of the state and credited to the general revenue fund, and that the author as a compensation, for furnishing the matter for said publication and supervising the proof reading and printing of the same, according to the direction of the supervisor of public printing, to be allowed the sum of forty (40) cents per copy for the number of copies so published. The printing and binding of the copies to be let by the supervisor of printing to the public printer who is the lowest bidder therefor.

CHARLES H. BOSLER,

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 24, 1896.

66

[House Joint Resolution No. 53.]

JOINT RESOLUTION

Concerning the appointment of a commission to be known as "the Sheridan monument commission."

WHEREAS, Certain citizens of the state of Ohio have organized and incorporated themselves into associations known as the Sheridan monumental association, having in view the erection of a monument to the memory of one of Ohio's most valiant soldiers, and greatest generals in the war of the late rebellion, general Phillip H. Sheridan, at Somerset, Perry county, Ohio, said place being his old home, and,

WHEREAS, Such an enterprise, as a tribute to the services of so renowned a citizen and soldier of our nation, is worthy the recognition and coöperation of our state; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor of the said state of Ohio be and he is hereby authorized, empowered and instructed to appoint a commission of five persons, to serve without compensation, to coöperate with and aid said association in devising ways and means for erecting said monument and agree upon a design therefor, and do and perform such other acts as will most efficiently accomplish the object of said association.

Resolved, further, That said commission shall be known as "the Sheridan monumental commission."

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 24, 1896.

67

[House Joint Resolution No. 41.]

JOINT RESOLUTION

Authorizing the commissioner of railroads and telegraphs to have printed and mounted 6,000 additional railroad maps.

Be it resolved by the General Assembly of the State of Ohio, That in addition to the railroad maps of Ohio, authorized to be printed by section 63 of the Revised Statutes, the commissioner of railroads and telegraphs be and he is hereby authorized to have printed and mounted six thousand additional maps. The same to be paid out of the printing fund. Provided further, that these additional maps shall be distributed by the commissioner of railroads and telegraphs as follows: To each member of the seventy-second general assembly, thirty-five copies.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 24, 1896.

68

[House Joint Resolution No. 51.]

JOINT RESOLUTION

Relative to the appointment of a commission to the Tennessee centennial.

WHEREAS, The state of Tennessee intends in June, 1896, to celebrate with elaborate ceremonies the one hundredth anniversary of her admission to the union and in connection therewith hold an industrial and international exhibition from May 1 to October 30, 1897, upon a scale second only to the world's fair; and,

WHEREAS, It is the expressed intention and desire of that state and other southern states to make special efforts on that occasion to display the resources of the south and offer special inducements to settle the southern states with a good class of northern farmers, mechanics, capitalists and manufacturers; and

WHEREAS, The invitation has been extended to the state of Ohio, to join with other states in equipping a special state or union building, and the governor of the state has sent a special message to the 72d general assembly recommending that we accept the invitation and make such arrangements as will be necessary to provide for the proper representation of Ohio at said industrial and international exposition: therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor of the state shall forthwith appoint five persons as commissioners, not more than three of whom shall belong to the same political party, to the Tennessee centennial and international exposition. It shall be the duty of such commission to encourage and promote commercial, industrial, educational and artistic exhibits by the citizens of Ohio and to contribute for and maintain a room in the building devised by the centennial authorities for the official headquarters of the state, and for the comfort and convenience of its citizens and to exhibit its resources. The

commissioners shall immediately after their appointment meet and organize, and communicate with the officials of the centennial exhibition and arrange for the erection and maintenance of the room. Said commission shall serve without pay. The commission shall make a report of its proceedings from time to time to the governor, and shall make a final report containing a detailed statement of all expenditures. The total expenditures to be incurred by said commissioners shall not exceed \$5,000, and for the purpose of paying such expenditures the sum of \$5,000, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid out upon the warrant signed by the president and secretary of said commission, accompanied by estimates and statements of the expenses for the payment of which the money so drawn is to be applied.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted April 24, 1896.

69

[House Joint Resolution No. 47.]

JOINT RESOLUTION

Asking our senators and representatives in congress to use their best influence to secure the passage of a certain bill.

WHEREAS, A bill prepared by a commission appointed for that purpose by the act of April 17, 1893, is now pending in this general assembly, providing for the registration of land titles, being known as the "Torrens system," but adapted to the laws of Ohio; and,

WHEREAS, Similar bills are pending in the legislature of, or have been enacted into laws, in eight states; and,

WHEREAS, In other states great interest is being taken in that mode of registration of land titles, which will lead to its adoption therein; and,

WHEREAS, Under that system, upon one folium of the register of title, all liens, claims, estates, interests and judgments, partition and tax sales, are noted, so that the exact condition of the title of any lot or tract of registered land can at once be found that exist under the laws of the state; and,

WHEREAS, Judgments and decrees of the courts of the United States, and orders of partition, or other order thereof, effecting registered land in the state where made, and also all the claims of the United States for taxes and assessments, do not and cannot under the present statutes be required to appear upon the folium of the register where such land is registered; and

WHEREAS, This renders the register wholly defective as against such liens, decrees and tax levies, and causes delay in the transfer of land, and sometimes a loss by those dealing with the land, as well as causing great expense to them, when the same can be avoided in the manner herein proposed; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators from Ohio in congress, be and are hereby instructed, and the representatives in congress from Ohio be and are hereby requested, to zealously use all honorable efforts to procure the passage of a law by congress, at this session, which shall, in express terms, provide that no judgment or decree of a court of the United States, shall take effect against, or be a lien upon registered lands, until the party in whose favor the same is rendered, shall file with the recorder or register of the court where the land is situate, a certificate of the clerk of the court, under his hand, with the seal of the court affixed thereto, giving the number of the case, names of parties, plaintiff and defendant, amount of judgments and costs, the exact time when rendered; and number and page of the docket where the same is entered; and the marshal shall file a like notice when he attaches such land, or seizes the same by virtue of any writ. And all officers upon whom devolves the duty of enforcing any tax assessment or imposition which effects real estates, shall cause a similar certificate to be filed, to the end that all claims, liens, demands or estate, and all taxes, assessments and impositions which shall, by the act of any court, or through or by the enforcement of any law or claim of the United States, be noted upon the folium of the register in the county where the land is registered.

Resolved, That the governor be, and he is hereby requested to forward a copy of these resolutions to all senators and representatives in congress, from Ohio.

DAVID L. SLEEPER,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
70

Adopted April 24, 1896.

[Senate Joint Resolution No. 44.]

JOINT RESOLUTION

Petitioning congress to reinstate Col. William Welch to his former rank in the U. S. Army.

WHEREAS, Col. William Welch served from April 18, 1861, in the army of the United States continuously until honorably mustered out January 1, 1871; and,

WHEREAS, Said Col. Welch was deservedly promoted from the rank of corporal to the rank of lieutenant-colonel of U. S. volunteers, for his bravery and gallantry on many fields of battle and for general meritorious service as a soldier and officer; and,

WHEREAS, He was, at the time of said discharge an active and efficient officer engaged in the active discharge of his duty as such officer; and,

WHEREAS, A careful inspection of the records and investigation of the circumstances of his discharge shows that said discharge was not occasioned by any requirement of the act of July 15, 1870, statutes of the United States of America, nor by lack of any ability or efficiency of Col. Welch; and,

WHEREAS, A great injustice was unnecessarily done to a gallant and brave officer, by reason of a mistake of an inspecting officer in the said discharge of Col. Welch; therefore,

Be it resolved by the General Assembly of the State of Ohio, That we earnestly recommend and urge that the members of congress from Ohio to use every honorable effort to procure the reinstatement of Col. Wm. Welch to the United States army without loss of rank.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,
President pro tem. of the Senate.

Adopted April 27, 1896.

71

[Senate Joint Resolution No. 47.]

JOINT RESOLUTION

Authorizing the adjutant-general to loan certain portraits of the ex-governors of Ohio.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general of the state be and he is hereby authorized to loan to the loan exhibition of portraits to be held in Cincinnati, Ohio, from May 4 to May 23, 1896, such of the portraits of the governors of the state now owned by the state as may be agreed upon between the officers of such loan exhibition and the adjutant-general, for display at such exhibition. Provided all expenses in delivery and returning of such portraits be paid by the said loan exhibition, and provided the latter be liable for the care and return of the same at the close of the said exhibition.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 27, 1896.

72

[Senate Joint Resolution No. 48.]

JOINT RESOLUTION

Providing for the purchase of portrait of ex-governor McKinley.

Be it resolved by the General Assembly of the State of Ohio, That the governor of Ohio, the chairman of the finance committee of the senate, and the chairman of the finance committee of the house, be and are hereby authorized to purchase a portrait of ex-governor McKinley to be hung in the rotunda of the capitol, the cost of said portrait not to exceed the sum of five hundred dollars, to be paid out of any money in the state treasury to the credit of the general revenue fund and not otherwise appropriated.

DAVID L. SLEEPER,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 27, 1896.

73

[Senate Joint Resolution No. 52.]

JOINT RESOLUTION

Ceding certain territory to the United States government.

WHEREAS, The general government is about to authorize the purchase of appropriate sites to commemorate the battles and victories won at Fallen Timbers, in Lucas county, Fort Meigs, in Wood county, and Put-in-Bay, in Ottawa county, therefore be it

Resolved by the General Assembly of the State of Ohio, That whenever any of such purchases are made and title be conveyed to the United States of America, the jurisdiction of the state of Ohio over any and all such land and lands shall thereupon cease and determine and become and be vested in the said United States of America.

DAVID L. SLEEPER

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Adopted April 27, 1896.

74

[Senate Joint Resolution No. 54.]

JOINT RESOLUTION

Appointing a joint committee to inform the governor that the legislature is ready to adjourn.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the house and three on the part of the senate be appointed to call on the governor and inform him that the seventy-second general assembly is now ready to adjourn sine die.

DAVID L. SLEEPER,

Speaker of the House of Representatives.

JNO. C. HUTSINPILLER,

President pro tem. of the Senate.

Adopted April 27, 1896.

75

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said State, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-second general assembly of the State of Ohio, at its regular session, begun January 6, 1896, and ended April 27, 1896, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 3rd day of June, A. D. 1896.

SAMUEL M. TAYLOR,

Secretary of State.

[SEAL]

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON
PLEAS IN OHIO IN 1896.**

Counties.	County Seats.	Circuita.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Adams	West Union	4	April 8, Nov. 5...	5	1	Jan. 21, May 5, Sept. 30.
Allen	Lima	3	April 14, Nov. 24.	3	1	Feb. 10, May 11, Oct. 19.
Ashland ...	Ashland	5	May 5, Nov. 10...	6	2	March 2, Sept. 7, Dec. 7.
Ashtabula ..	Jefferson	7	Feb. 25, Oct. 1...	9	3	Jan. 6, May 4, Oct. 19.
Athens	Athens	4	Jan. 21, Sept. 22.	7	3	Feb. 10, May 4, Nov. 9.
Auglaize ...	Wapakoneta	3	April 28, Nov. 17	3	1	Jan. 6, April 13, Sept. 14.
Belmont	St. Clairsville	7	June 9, Dec. 15.	8	2	Jan. 14, April 21, Oct. 6.
Brown	Georgetown	4	April 14, Nov. 9.	5	1	Jan. 7, April 21, Oct. 27.
Butler	Hamilton	1	April 13, Oct. 12.	2	1	Jan. 6, May 4, Oct. 12.
Carroll	Carrollton	7	Jan. 28, Sept. 17.	9	1	Feb. 17, May 11, Nov. 9.
Champaign ..	Urbana	2	April 30, Nov. 5.	2	2	Jan. 13, May 11, Oct. 12.
Clark	Springfield	2	June 1, Nov. 30.	2	2	Jan. 13, May 11, Oct. 12.
Clermont	Batavia	1	April 7, Oct. 5.	5	1	Feb. 18, May 19, Oct. 20.
Clinton	Wilmington	1	May 4, Nov. 4...	2	3	Jan. 6, May 11, Oct. 5.
Columbiana ..	New Lisbon	7	Jan. 21, Sept. 21.	9	1	Feb. 3, May 4, Oct. 5.
Coshocton ...	Coshocton	5	May 12, Nov. 4.	6	3	Feb. 10, May 11, Sept. 7.
Crawford ...	Bucyrus	3	Jan. 28, Sept. 29	10	2	Jan. 13, April 13, Sept. 14.
Cuyahoga ...	Cleveland	8	Jan. 13, Oct. 19.	4	3	Jan. 6, April 7, Sept. 21.
Darke	Greenville	2	May 4, Nov. 9...	2	2	Jan. 6, May 11, Oct. 5.
Defiance	Defiance	3	March 3, Oct. 20.	3	2	March 9, June 1, Nov. 16.
Delaware ...	Delaware	5	June 16, Dec. 15.	6	1	Jan. 6, April 7, Sept. 21.
Erie	Sandusky	6	May 18, Nov. 11.	4	1	Feb. 3, June 15, Sept. 14.
Fairfield	Lancaster	5	Jan. 7, Sept. 8.	7	1	Jan. 13, April 13, Oct. 19.
Fayette	Washington C. H.	2	May 18, Nov. 16.	5	2	Jan. 6, April 13, Sept. 21.
Franklin ...	Columbus	2	Jan. 6, Sept. 14.	5	3	Jan. 6, April 7, Sept. 14.
Fulton	Wauseon	6	June 11, Dec. 3.	3	3	Feb. 3, May 4, Oct. 12.
Gallia	Gallipolis	4	Feb. 25, Oct. 13.	7	3	Jan. 7, April 7, Sept. 15.
Geauga	Chardon	7	Feb. 4, Sept. 29.	9	3	Jan. 6, May 4, Oct. 19.
Greene	Xenia	2	April 15, Oct. 14.	2	3	Jan. 6, May 4, Oct. 12.
Guernsey ...	Cambridge	7	May 26, Dec. 7.	8	1	Feb. 4, May 4, Oct. 14.
Hamilton ...	Cincinnati	1	Jan. 6, Nov. 16.	1	..	Jan. 6, April 6, July 6, Oct. 5.
Hancock ...	Findlay	3	May 26, Dec. 8.	10	1	Jan. 6, M'ch 31, Sept. 15.
Hardin	Kenton	3	March 31, Nov. 5.	10	1	Jan. 6, April 8, Sept. 15.
Harrison ...	Cadiz	7	May 12, Nov. 17.	8	3	Feb. 18, June 2, Oct. 27.
Henry	Napoleon	3	Feb. 25, Oct. 13.	3	3	Jan. 6, April 7, Sept. 14.
Highland ...	Hillsboro	4	April 22, Nov. 17.	5	2	Feb. 10, April 27, Oct. 5.
Hocking ...	Logan	4	Feb. 4, Sept. 29.	7	1	Jan. 6, April 7, Sept. 8.
Holmes	Millersburg	5	June 2, Nov. 17.	6	3	Jan. 6, April 6, Sept. 21.
Huron	Norwalk	6	May 11, Nov. 4.	4	1	Feb. 24, June 1, Nov. 2.
Jackson ...	Jackson	4	May 26, Dec. 15.	7	2	Feb. 10, May 4, Oct. 26.
Jefferson ...	Steubenville	7	May 19, Nov. 24.	8	3	Jan. 6, M'ch 16, Sept. 7.
Knox	Mt. Vernon	5	March 17, Oct. 6.	6	1	Feb. 10, May 4, Nov. 2.
Lake	Painesville	7	Feb. 11, Oct. 13.	9	3	Feb. 17, June 1, Nov. 9.
Lawrence ...	Ironton	4	March 3, Oct. 20.	7	2	Feb. 17, May 11, Nov. 9.
Licking ...	Newark	5	March 24, Oct. 13.	6	1	Jan. 6, April 7, Sept. 21.
Logan	Bellefontaine	3	Feb. 11, Oct. 8.	10	3	Feb. 17, May 11, Oct. 19.
Lorain	Elyria	8	April 27, Oct. 5.	4	2	Feb. 17, May 11, Oct. 26.
Lucas	Toledo	6	Jan. 6, Sept. 14.	4	1	Jan. 6, April 7, Sept. 14.
Madison ...	London	2	April 13, Oct. 12.	5	2	Feb. 17, May 25, Oct. 19.
Mahoning ...	Youngstown	7	April 7, Nov. 4.	9	2	Jan. 6, May 4, Sept. 21.
Marion	Marion	3	Jan. 21, Sept. 22.	10	2	Feb. 17, May 18, Oct. 19.
Medina ...	Medina	8	May 4, Oct. 12.	4	2	Jan. 13, April 7, Sept. 21.
Meigs	Pomeroy	4	Feb. 19, Oct. 8.	7	3	Jan. 6, April 6, Oct. 15.
Mercer	Celina	3	May 5, Nov. 19.	3	1	M'ch 9, June 15, Nov. 16.
Miami	Troy	2	April 20, Oct. 26.	2	2	Jan. 6, May 4, Oct. 5.

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON
PLEAS IN OHIO IN 1896.—CONCLUDED.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Monroe	Woodsfield	7	June 2, Dec. 1 ..	7	3	Jan. 13, April 13, Sept. 14.
M'tgomery ..	Dayton	2	June 8, Dec. 7 ..	2	3	Jan. 6, May 4, Oct. 5.
Morgan	McConnelssville ..	5	April 21, Nov. 24 ..	8	1	Jan. 6, April 27, Oct. 5.
Morrow	Mt. Gilead	5	June 9, Dec. 8 ..	6	2	Jan. 27, April 27, Oct. 5.
Muskingum ...	Zanesville	5	April 14, Oct. 20 ..	8	1	Jan. 6, April 6, Oct. 5.
Noble	Caldwell	7	June 4, Dec. 3 ..	8	1	Jan. 14, April 13, Sept. 21.
Ottawa	Port Clinton	6	June 29, Dec. 17 ..	4	1	Jan. 6, May 18, Nov. 9.
Paulding	Paulding	3	March 17, Oct. 15 ..	3	2	Jan. 6, April 13, Sept. 14.
Perry	New Lexington ..	5	April 28, Dec. 1 ..	7	1	Feb. 3, May 11, Nov. 9.
Pickaway	Circleville	4	April 28, Nov. 24 ..	5	2	Jan. 6, April 13, Sept. 14.
Pike	Waverly	4	May 19, Dec. 9 ..	7	2	Jan. 6, M'ch 23, Sept. 21.
Portage	Ravenna	7	March 17, Oct. 26 ..	9	2	Jan. 6, April 6, Sept. 7.
Preble	Eaton	2	May 13, Nov. 23 ..	2	2	Jan. 13, May 11, Oct. 12.
Putnam	Ottawa	3	April 7, Nov. 10 ..	3	3	Jan. 6, April 13, Sept. 14.
Richland	Mansfield	5	Jan. 21, Sept. 15 ..	6	2	April 13, Sept. 7, Nov. 23.
Ross	Chillicothe	4	May 5, Dec. 1 ..	5	2	Jan. 20, April 20, Oct. 5.
Sandusky	Fremont	6	June 15, Dec. 7 ..	4	1	Jan. 6, May 18, Nov. 9.
Scioto	Portsmouth	4	March 11, Oct. 26 ..	7	2	Jan. 6, M'ch 30, Sept. 21.
Seneca	Tiffin	3	May 12, Dec. 1 ..	10	1	Feb. 17, May 19, Nov. 10.
Shelby	Sidney	2	April 27, Oct. 21 ..	3	1	Jan. 6, April 7, Sept. 21.
Stark	Canton	5	Feb. 25, Sept. 29 ..	9	1	Jan. 6, May 4, Sept. 21.
Summit	Akron	8	April 13, Sept. 21 ..	4	2	Jan. 6, April 27, Sept. 21.
Trumbull	Warren	7	March 24, Oct. 19 ..	9	2	Feb. 3, May 18, Oct. 5.
Tuscarawas ..	New Philadelphia ..	5	May 19, Oct. 27 ..	8	3	Jan. 13, April 20, Oct. 5.
Union	Marysville	3	Feb. 18, Oct. 6 ..	10	3	Jan. 13, April 6, Sept. 7.
Van Wert	Van Wert	3	March 24, Oct. 27 ..	3	1	Feb. 3, May 11, Oct. 12.
Vinton	McArthur	4	Feb. 13, Oct. 5 ..	7	3	Feb. 3, May 4, Oct. 12.
Warren	Lebanon	1	April 27, Oct. 26 ..	2	3	Jan. 6, May 4, Oct. 5.
Washington ...	Marietta	4	Jan. 14, Sept. 16 ..	7	3	Feb. 3, May 5, Oct. 6.
Wayne	Wooster	5	Feb. 11, Sept. 22 ..	6	3	Feb. 24, Sept. 7, Nov. 16.
Williams	Bryan	6	June 8, Nov. 30 ..	3	2	Feb. 3, May 4, Oct. 12.
Wood	Bowling Green ..	6	April 20, Oct. 19 ..	10	1	Feb. 17, May 12, Nov. 10.
Wyandot ...	Upper Sandusky ..	3	Jan. 14, Sept. 16 ..	10	2	Feb. 17, May 18, Oct. 19.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1896, taken from the official lists returned by the judges of said courts to this office.

WITNESS my hand and official seal, this 3d day of June, A. D. 1896.

[SEAL.]

SAMUEL M. TAYLOR,
Secretary of State.

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